

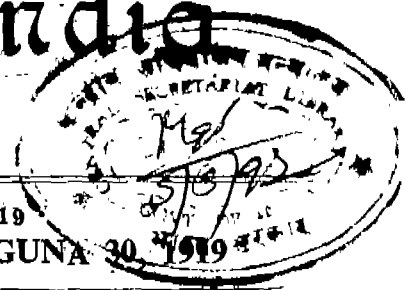


भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 12]
No. 12]

नई दिल्ली, शनिवार, मार्च 21, 1998/फाल्गुन 30, 1919
NEW DELHI, SATURDAY, MARCH 21, 1998/PHALGUNA 30, 1919



इस भाग में मिला पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 27 फरवरी, 1998

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Personnel & Training)

New Delhi, the 27th February, 1998

का० आ० 567.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री ए०आर० व्यंकट राजू की मृत्यु की घटना के संबंध में पुलिस स्टेशन जानगीर जिला बिलासपुर में कागस मार्ग क्रमांक 5/98 की मृत्यु की जांच एवं उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किये गये किन्हीं अन्य अपराधों के संबंध में या उनसे संबंधित प्रयत्नों, दृष्टिकोणों और षड्यंत्रों के अन्वेषण के लिए मध्य प्रदेश सरकार के गृह (पुलिस) विभाग अधिसूचना सं० 12-36/98/वी-1 (दो) दिनांक 27-2-98 के तहत मध्य प्रदेश सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण मध्य प्रदेश राज्य पर करती है।

[स० 228/8/98/ए०वी०डी०-II]

हरि सिंह, अवर सचिव

S.O. 567.—In exercise of powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the Government of Madhya Pradesh, Home (Police) Department Notification No. 12-36/98[B.I. (Two) dated 27th Feb., 1998, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of the Marg No. 5/98 dated 19-2-98 at Police Station Janjgir, Distt. Bilaspur, Madhya Pradesh relating to the unnatural death of Shri A. R. Vainkat Raju, Asstt. Engineer S.C.E.L., and any other offences and abetment of offences in relation to the said case, committed in the course of

the same transaction or arising out of the same fact or facts in regard to the Marg No. 5/98 dated 19-2-1998.

[No. 228/8/98-AVD. II]

HARI SINGH, Under Secy.

नई दिल्ली, 6 मार्च, 1998

का.आ. 568.—केन्द्रीय सरकार एतद्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री के. जी. कन्नाबिरन वरिष्ठ अधिवक्ता, आन्ध्र प्रदेश उच्च न्यायालय को मामला सं. आर.सी. 9 (एस)/91-एस.आई.यू.ए.सी. आई. सी.-II/एस.पी. ई./नई दिल्ली (प्रथम सूचना रिपोर्ट सं. 580/91) थाना भिलाई नगर, जिला दुर्ग, मध्य प्रदेश (नियोगी हत्याकाण्ड) के लिये जबलपुर स्थित मध्य प्रदेश उच्च न्यायालय या उससे संबंधित या अनुषंगी किसी अन्य मामले में किसी अन्य न्यायालय में विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/54/97-ए.वी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 6th March, 1998

S.O. 568.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby

appoints Shri K. G. Kannabiran, Senior Advocate, Andhra Pradesh High Court as Special Public Prosecutor in case RC 9(S)/91-SIU.V/SIC.II/SPE/New Delhi (FIR No. 580/91) of P. S. Bhilai Nagar, District Durg, Madhya Pradesh (Niyogi Murder Case) in the High Court of Madhya Pradesh at Jabalpur or any other matter connected therewith or incidental thereto in any other court.

[No. 225/54/97-AVD. II]

HARI SINGH, Under Secy.

आदेश

नई दिल्ली, 12 मार्च, 1998

का.आ. 569.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उत्तर प्रदेश राज्य सरकार की दिनांक 05-11-97 की अधिसूचना सं. 2125/पी.जी.एम./1997 द्वारा मिली सहमति से, वर्ष 1997-98 के दौरान उत्तर प्रदेश की राज्य सरकार के 23 कृषि-संबंधी फार्मों, जिनका व्यौरा अनुबंध-I के रूप में संलग्न है, के पट्टे पर दिए जाने से संबंधित अपराधों और इन अपराधों संबंधी आरोपों से उद्भूत अन्य किन्हीं अपराधों के अन्वेषण हेतु दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण उत्तर प्रदेश राज्य के संबंध में करती है।

[सं. 228/93/97-ए.वी.डी.-II]

हरि सिंह, अवर सचिव

अनुबंध-I

लीज पर दिये जाने वाले फार्मों की सूची

क्रम सं.	मंडल का नाम	जनपद	प्रशेख	कुल क्षेत्र-फल (हे. में)	भूमि का प्रकार	प्रशेख की स्थिति
1	2	3	4	5	6	7
1.	लखनऊ	हरदोई	सवायजपुर	25.90	बलुई	हरदोई-फर्रुखाबाद मार्ग पर 160 कि.मी. 1.5 किमी. कच्चा मार्ग। हरदोई-शाहबाद मार्ग पर 35 किमी.
2.	लखनऊ	हरदोई	कस्सुवाग्रान्ट	27.54	उसरौली टोंट	शाहबाद-झांडी रोड पर 26 किमी. 8 किमी. नहर मार्ग।
3.	फैजाबाद	बहराइच	बरगरी	40.00	बलुई मटियार-टोमट	बहराइच-नानपारा 35 किमी. नानपारा मिहीपुरवा 25 किमी मिहीपुरवा से 8 किमी. उत्तर।
4.	इलाहाबाद	इलाहाबाद	गोसपुर टिकरी	19.76	उसरौली	इलाहाबाद से महेबाघाट रोड पर 60 किमी.।
5.	इलाहाबाद	इलाहाबाद	छाता	68.75	उसरौली	इलाहाबाद-प्रताप गढ़ मार्ग पर 15 किमी मऊथादना के पास।

1	2	3	4	5	6	7
6. कानपुर	कानपुर (दे)	कडरी	24.58	भागी दोमट	कानपुर-शिवाली मार्ग पर 54 किमी., शिवाली से 7 किमी. ।	
7. कानपुर	कानपुर (दे)	साढ़र	13.40	उसरीली	कानपुर-कालपी मार्ग 22 किमी.	
8. कानपुर	इटावा	जोनई	64.94	उसरीली	इटावा-आगरा मार्ग 25 किमी. ।	
9. कानपुर	फर्रुखाबाद	जाजपुर बन्जारा	84.00	उसरीली	मोहम्मदी तहसील से 8 किमी. पश्चिम पक्की सड़क ।	
10. बारांसी	सोनभद्र	तेन्दुहार	30.00	पथरीली	सोनभद्र से 40 किमी. ।	
11. आजमगढ़	आजमगढ़	मेहरा	12.45	उसरीली	आजमगढ़-फैजाबाद रोड पर 15 किमी. कप्तान गंज से अहरोला रोड पर 15 किमी. ।	
12. झांसी	झांसी	छतोली	25.00	राकर	झांसी-ललितपुर मार्ग पर 31 किमी.	
13. झांसी	झांसी	टांडा बमरोगी	29.25	उसरीली	झांसी-कानपुर मार्ग पर मोठ से 3 किमी. उत्तर ।	
14. झांसी	बांदा	खटियाकला	61.70	राकर	खटियाकला से 2 कि.मी. उत्तर केद नदी के किनारे ।	
15. झांसी	ललितपुर	खिरियामिश्र	48.94	कांवर/राकर	ललितपुर-बेथगढ़ मार्ग पर 10 किमी	
16. झांसी	ललितपुर	जमीरा	52.21	कांवर/राकर	ललितपुर-टिकमगढ़ मार्ग पर समोदर से 11 कि. मी. नहर पर ।	
17. कुमायूं	पिथौरागढ़	थाल	6.95	मटियार दोमट	डीडाहाट से 78 किमी., पिथौरागढ़ से 55 किमी. ।	
18. कुमायूं	अल्मोड़ा	तरियापानी	15.00	"	अल्मोड़ा से 5 किमी. पक्की सड़क तथा 4 किमी. कच्चा मार्ग ।	
19. गढ़वाल	टिहरी	नीथा	4.00	मन्डी दोमट	किसरी कन्थरीफाल से 8 किमी. कच्चा मार्ग	
20. गढ़वाल	उत्तरकाशी	तिरौर	9.40	"	उत्तरकाशी भट्टरानी मार्ग पर 42 किमी. ।	
21. लखनऊ	हरदोई	दकौनी	1246.88	उसरीली	लखनऊ-हरदोई रोड पर 55 किमी., सन्डीला से 13 किमी. उत्तरीली रोड पर ।	
22. लखनऊ	लखनऊ	रहीमाबाद	360.09	उसरीली	लखनऊ-हरदोई मार्ग पर 40 किमी. रहीमाबाद से 2 किमी. ।	
23. लखनऊ	लखनऊ	कटियार	500.76	उसरीली	लखनऊ-हरदोई मार्ग पर, रहीमाबाद से कटियार 20 किमी. तास रोड पक्का मार्ग ।	

ORDER

New Delhi, the 12th March, 1998

S.O. 569.—In exercise of the powers conferred by sub-section (i) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh vide Notification No. 2125/PGS/1997 dated 5-11-1997, hereby extend the powers

and jurisdiction of the members of Delhi Special Police Establishment in the whole of state of Uttar Pradesh for investigation of the offences relating to leasing out 23 Agriculture farms owned by the State Government during the financial year 1997-98, details of which is enclosed as Annexure-I or any other offences arising out of these charges.

[No. 228/93/97-AVD-II]

HARI SINGH, Under Secy.

LIST OF FARMS TO BE GIVEN ON LEASE (ANNEXURE I)

Sl. No.	Name of Division	District	Sub Area	Total Area in Hectare	Type of Land	Position of Sub Area
1	2	3	4	5	6	7
1.	Lucknow	Hardoi	Swayajpur	25.9	Sandy	On Hardoi—Farukhabad Road 60 KM, 1.5 Kilometre Katcha Road.
2.	-do-	-do-	Karsuwagrang	27.54	Usrili Domat	On Hardoi Shahbad Road, 35 Kilometre, Shahbad Andhi Road, 26 KM, 8 KM on Canal Road.
3.	Faizabad	Baharaich	Bakhari	40	Sandy Matiyar Domat	On Baharaich -Nanpara Road 35 KM, Nanpara Mihipurwa 25 KM, 8 KM North from Mahipurwa.
4.	Allahabad	Allahabad	Gauspur Tikri	19.76	Usrili	On Allahabad Mahawaghat Road, 60 Kilometre.
5.	Allahabad	Allahabad	Chata	68.75	Usrili	On Allahabad Pratap Garh Road, 15 KM, Near Mau Aina
6.	Kanpur	Kanpur rural	Kadri	25.48	Bhari Domat	On Kanpur Shivli Road, 54 KM. 7 KM. from Shivli.
7.	-do-	-do-	Sarh	13.4	Usrili	On Kanpur—Kalpi Road ,22 KM
8.	-do-	Etawah	Jonai	64.94	Usrili	On Etawah Agra Road, 25 KM
9.	-do-	Farukhabad	Jajpur Banjara	84	Usrili	8 KM West from Mohammadi Tahsil on metalled road.
10.	Varanasi	Sonbhadra	Tenduhar	30	Pathrili	40 KM from Sonbhadra
11.	Azamgarh	Azamgarh	Ladaura	12.45	Usrili	On Azamgarh Faizabad Road 15 KM, on Kaptanganj to Ahraula Road, 15 KM.
12.	Jhansi	Jhansi	Chatauli	25	Rakar	On Jhansi Lalitpur Road, 31 KM.
13.	-do-	-do-	Tanda Bamrauli	29.25	Usrili	On Jhansi Kanpur Road, 3 KM North from Moth
14.	-do-	Banda	Khapatiya Kalan	61.7	Rakar	2 KM North from Khapatiya Kala on the bank of Ken River.
15.	-do-	Lalitpur	Khirya Mishr	48.94	Kanwar/Rakar	On Lalitpur Devgarh Road, 10 KM.

1	2	3	4	5	6
16. Jhansi	Lalitpur	Amaura	52.21	Kanwar/Rakar	On Lalitpur Tikamgarh Road, 11 KM from Samodhar on canal.
17. Kumaun	Pithoragarh	Thal	6.95	Matiyar Domat	78 KM from Didahat. 55 KM from Pithoragarh.
18. -do-	Almora	Tariapani	15	Matiyar Domat	5 KM from Almora on metalled road and 4 KM Katcha Road.
19. Garhwal	Tihri	Nautha	4	Sandy Domat	8 KM from Kisri Kanthrifal on Katcha Road.
20. -do-	Uttarkashi	Tiraur	9.4	-do-	42 KM on Uttarkashi Bhatram Road.
21. Lucknow	Hardoi	Dhakauni	1,246.88	Usrili	On Lucknow Hardoi Road 55 KM, 13 KM from Sandila on Utrauli Road.
22. -do-	Lucknow	Rahimabad	360.09	Usrili	On Lucknow Hardoi Road, 40 KM, 2 KM from Rahimabad.
23. -do-	-do-	Katiyar	500.76	Usrili	On Lucknow Hardoi Road, 20 KM from Rahimabad to Katioar Nal Roa Metalled Road.

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बीमा प्रभाग)

नई दिल्ली, 4 मार्च, 1998

का.आ. 570.—जीवन बीमा निगम अधिसूचना 1956 (1956 का 31) की धारा 4 में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री बी. के. चतुर्वेदी, विशेष सचिव (बीमा) आर्थिक कार्य विभाग, वित्त मंत्रालय को उक्त निगम के सदस्य के रूप में श्री बी. के. डाल के स्थान पर तत्काल प्रभाव से, अगले आदेशों तक नियुक्त करती है।

[फा. सं. 15(3)/92-बीमा-5]

डी. सी. श्रीवास्तव, निदेशक

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Insurance Division)

New Delhi, the 4th March, 1998

S.O. 570.—In exercise of the powers conferred by Section 4 of the Life Insurance Corpn. Act, 1956 (31 of 1956), the Central Govt. hereby appoints Shri B.K. Chaturvedi

Special Secretary (Insurance), Department of Economic Affairs, Ministry of Finance as Member of the said Corporation with immediate effect vice Shri V. K. Dhall till further orders.

[F. No. 15/3/92-Ins. V]

D. C. SRIVASTAVA, Director

(वैकिंग प्रभाग)

नई दिल्ली, 6 मार्च, 1998

का.आ. 571. राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री एस. स्वामीनाथन, मुख्य महाप्रबंधक, वय्य और वजतीय नियंत्रण विभाग, भारतीय रिजर्व बैंक, मुंबई को श्री टी. बन्धोपाध्याय के स्थान पर पंजाब नेशनल बैंक का निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/6/98-बी. ओ. I]

क.के. मेहता, जवर सचिव

(Banking Division)

New Delhi, the 6th March, 1998

S.O. 571.—In exercise of the powers conferred by clause (c) of sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri S. Swaminathan, Chief General Manager, Department of Expenditure and Budgetary Control, Reserve Bank of India, Mumbai as a Director of Punjab National Bank vice Shri T. Bandopadhyay.

[F. No. 9/6/98-B.O.I.]

K. K. MANGAL, Under Secy.

नई दिल्ली, 6 मार्च, 1998

का.आ. 572.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19(2) के उपबन्ध युनाइटेड बैंक आफ इंडिया, कलकत्ता पर 13 जून, 1999 तक की अवधि के लिए उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध गिरवीदार के रूप में मैसर्स स्टैंडर्ड मोपेड कंपनी लिमिटेड की प्रदत्त शेयर पुंजी की उसकी धारिता से है।

[सं. 15/2/98-बी. ओ. ए.]

पी. मोहन, निदेशक (बीओ)

New Delhi, the 6th March, 1998

S.O. 572.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta, for a period upto 13th June, 1999 in so far as they relate to its holding of the shares of M/s. Standard Moped Company (P) Ltd. as pledgee.

[No. 15/2/98-BOAI]

P. MOHAN, Director (BO)

नई दिल्ली, 6 मार्च, 1998

का.आ. 573.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबन्ध युनाइटेड बैंक आफ इंडिया, कलकत्ता पर 14 नवम्बर, 1999 तक उस सीमा तक लागू नहीं होंगे, जहां तक उनका संबंध गिरवीदार के रूप में मैसर्स बंगाल एनामेल वर्क्स लि. की शेयरधारिता से है।

[सं. 15/3/96-बीओए]

पी. मोहन, निदेशक (बीओ)

New Delhi, the 6th March, 1998

S.O. 573.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta, for a period upto 14th November, 1999 in respect of its holding shares of M/s. Bengal Enamel Works Ltd. as pledgee.

[F. No. 15/3/96-BOAI]

P. MOHAN, Director (BO)

नई दिल्ली, 11 मार्च, 1998

का.आ. 574.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबन्ध युनाइटेड बैंक आफ इंडिया कलकत्ता पर 11 मार्च, 1999 तक उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध गिरवीदार के रूप में मैसर्स एकमे इलेक्ट्रो इंडस्ट्रीज प्रा. लि. की शेयरों की उसकी धारिता से है।

[सं. 15/5/95-बी ओ. ए.]

श्रीमती पी. मोहन, निदेशक (बीओ)

New Delhi, the 11th March, 1998

S.O. 574.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Sub-Section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta, for a period upto 11th March, 1999 in respect of its holding shares of M/s. Acme Electro Industries Pvt. Ltd. as pledgee.

[No. 15/5/95-BOA]

MRS. P. MOHAN, Director (BO)

नई दिल्ली, 11 मार्च, 1998

का.आ. 575.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त

अधिनियम की धारा 19 की उपधारा (2) के उपबंध यूनाइटेड बैंक ऑफ इंडिया, कलकत्ता पर अधिसूचना की तारीख से 25 जुलाई, 1999 तक की अवधि के लिए उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध गिरवीदार के रूप में मैसर्स एस्काइ इंडिया प्रा. लि. की पूंजी की उसकी धारिता से है।

[मं. 15/2/96-बी.ओ. ए.]

श्रीमती पी. मोहन, निदेशक (बीओ)

New Delhi, the 11th March, 1998

S.O. 575.— In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government of the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-Section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta for a period upto 25 July, 1999 in so far as they relate to its holding of the shares of M/s. Escal India Pvt. Ltd. as pledgee.

[No. 15/2/96-BOA]

MRS. P. MOHAN, Director (BO)

पेट्रोलियम और प्राकृतिक गैस संवर्धन

नई दिल्ली, 9 मार्च, 1998

का०आ० 576.—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि काण्डवा, गुजरात राज्य से लोनी, उत्तर प्रदेश तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन को बिछाने के प्रयोजन के लिए एतदुपाय अन्तर्गामी में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित करती है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड। द्वितीय तल, दर्पण बिल्डिंग, आर०सी० दत्त रोड, बड़ोदा को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनबाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

गैस अथॉरिटी ऑफ इंडिया लिमिटेड

बड़ोदा

अन्तर्गामी

काण्डवा से लोनी तक एल०पी०जी० गैस पाइपलाइन

(लखपत से पाटन अनुभाग)

राज्य : गुजरात

तालुका : रापर

जिला : कच्छ

गांव	अन सं० ब्लॉक नं०	एरिया		
		हेक्टेयर	आरे	संटीआरे
1	2	3	4	5
लखपत	86	0	17	99
	96	1	29	19

राज्य : गुजरात

तालुका : राधर

जिला : कच्छ

गांव	क्रम सं० ब्लॉक नं०	एरिया		
		हेक्टेयर	आरे	सेंटीआरे
1	2	3	4	5
लखपडा (जारी)	82/2	0	01	11
	81	0	55	28
	80	0	31	05
	79	0	24	15
	96	0	00	09
	77	0	65	55
	96	0	21	44
	69	0	28	45
	96	3	98	39
	कुल	07	72	69
रन ग्रॉफ कच्छ	रन ग्रॉफ कच्छ	1	03	28
	एन० हाईवे नं० 15	0	05	93
	रन ग्रॉफ कच्छ	4	17	23
कुल		05	26	44

[सं० एल-14016/4/97-जी०पी०]

आई०एस०एन० प्रसाद, उप सचिव

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 9th March, 1998

S.O. 576.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Kandla, Gujarat to Loni, Uttar Pradesh State, pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto,

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., 2nd Floor, Darpan Bldg. R.G. Dutta Road, Baroda.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

LPG Gas Pipeline from Kandla to Loni

(Lakhpat to Patan Section)

State : Gujarat

Taluka : Rapar

District : Kutch

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centiare
Lakhpat	86	0	17	99
	96	1	29	19
	82/2	0	01	11
	81	0	55	28
	80	0	31	05
	79	0	24	15
	96	0	00	09
	77	0	65	55
	96	0	21	44
	69	0	28	45
	96	3	98	38
	TOTAL	07	72	69
Rann of Kutch	Rann of Kutch	1	03	28
	N. Highway No. 15	0	05	93
	Rann of Kutch	4	17	23
	Total	05	26	44

[No. L-14016/4/97-GP]

I.S.N. PRASAD, Dy. Secy.

नई दिल्ली, 9 मार्च, 1998

कां०आ०. 527 :—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि काण्डला, गुजरात राज्य से लोनी, उत्तर प्रदेश तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन को बिछाने के प्रयोजन के लिए एतदुपायद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित करती है।

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वितीय तल, वर्पण बिल्डिंग, आर०सी० दत्त रोड, बरीडा को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई यचितगत हो या किसी विधि व्यवसायी की मार्फत।

गैस अथॉरिटी ऑफ इंडिया लिमिटेड

बड़ीदा

अनुसूची

कांदला से लोनी तक एल०पी०जी० गैस पाइपलाइन

(लखपत से पाटन अनुभाग)

राज्य : गुजरात

तालुका : सांतलपुर

जिला : बनासकांठा

गांव	क्रम सं० ब्लॉक नं०	एरिया		
		हेक्टेयर	अरर	सेंटीअरर
1	2	3	4	5
पिपरावा	सरकारी जमीन	5	59	36
	785	0	41	25
	सरकारी जमीन	0	00	62
	सरकारी जमीन	0	04	23
	सरकारी जमीन	0	63	79
	एस्फाल्टेड रोड	0	00	85
	818	0	28	87
	सरकारी जमीन	0	03	87
	834	0	33	04
	835	0	31	85
	सरकारी जमीन	0	17	53
	857	0	35	74
	862	0	09	08
	सरकारी जमीन	0	13	58
	863	0	15	60
	सरकारी जमीन	0	15	60
	864	0	13	03
	सरकारी जमीन	0	09	87
	889	0	61	51
	कार्ट ट्रैक	0	06	37
	1366	0	29	58
	1365	0	30	09
	सरकारी जमीन	0	02	93
	904	0	29	52
	905	0	04	59
	903	0	14	79
	906	0	54	18
	1267	0	23	11
	1266	0	22	30
	1264	0	23	04
	1263	0	09	10
	1258	0	17	26
	1260	0	19	18
	1259	0	13	71
	1258	0	59	06
	930	0	21	33
	931	0	23	39

राज्य : गुजरात

तालुका : सांतलपुर

जिला : वनास हांठा

गाव	क्रम सं० ब्लॉक नं०	एरिया		
		हेक्टेयर	आरे	सेंटीआरे
1	2	3	4	5
पिपराला	941	0	30	67
	946	0	12	20
	947	0	11	46
	952	0	26	80
	953	0	14	30
	954	0	28	20
	954	0	02	41
	सरकारी जमीन	2	14	98
	988	0	12	75
	989	0	12	76
	1010	0	20	13
	1011	0	05	96
	1012	0	12	84
	1013	0	20	25
	1014	0	03	45
	1016	0	00	05
	1015	0	32	11
	1017	0	00	70
	1062	0	21	31
	1061	0	14	62
	1060	0	30	23
	1028	0	17	01
	1029	0	28	76
	1035	0	09	22
	1034	0	15	52
	1036	0	13	87
	1038	0	08	98
	1037	0	37	29
कुल		20	20	63
रोज	199	0	34	37
	200	0	13	54
	198	0	18	63
	कुल	0	66	51

राज्य : गुजरात

तालुका : सांतासपुर

जिला : बनावकाठा

गांव	क्रम सं० ब्लॉक नं०	परिग्या		
		हैक्टयेर	आरे	सेंटीआरे
गारामडी	476	1	93	67
	465	0	24	85
	466	0	22	55
	463	0	31	91
	469	0	21	77
	470	0	12	92
	कार्ट ट्रैक	0	02	82
	428	0	18	23
	427	0	17	14
	426	0	30	47
	425	0	11	94
	397	0	21	15
	398	0	11	60
	396	0	15	55
	391	0	18	48
	390	0	35	22
	383	0	34	55
	384	0	27	51
	कार्ट ट्रैक	0	02	67
	511	0	17	26
	512	0	17	40
	513	0	28	29
	कार्ट ट्रैक	0	04	07
	355	0	47	46
	361	0	21	05
	359	0	09	99
	360	0	14	44
	358	0	11	24
	356	0	17	19
	355	2	04	10
	351	0	04	91
	349	0	20	41
	352	0	10	15
	348	0	28	46
	347	0	18	27
	346	0	00	59
	345	0	23	89
	355	0	06	47
	344	0	13	15
	331	0	16	97
कुल		10	90	87

राज्य : गुजरात

तालुका : सांतलपुर

जिला : बनासकांठा

गांव	क्रम सं० वर्गिक नं०	एगिया		
		हेक्टेयर	आरे	सेंटीआरे
1	2	3	4	5
सांतलपुर	667	0	24	10
	665	0	13	90
	661	0	24	92
	660	0	25	78
	657	0	16	55
	655	0	35	93
	654	0	16	94
	651	0	02	92
	652	0	31	02
	632	0	22	81
	633	0	13	54
	631	0	68	76
	622	1	39	08
	626	0	21	47
	625	0	21	78
	752	0	14	81
	753	0	17	90
	प० रेखत्रे लाइन	0	12	46
	818	0	07	62
	501	0	20	09
कार्ट ट्रैक	499	0	12	05
	500	0	22	97
	602	0	76	71
	489	0	20	54
	490	0	07	09
	486	0	44	51
	602	0	02	56
	485	0	12	31
	स्ट्रीम	0	15	21
	480	0	16	83
	479	0	21	55
	474	0	14	09
	478	0	05	50
	475	0	15	96
	476	0	16	80
	433	0	59	55
	435	0	04	06
	428	0	38	81
	426	0	18	28
	427	0	06	32

राज्य : गुजरात

तालुका : सातलपुर

जिला : बनसकांठा

गांव	क्रम सं. ब्लॉक नं०	एगिया		
		हेक्टेयर	अरारे	सेंटीअरारे
1	2	3	4	5
सातलपुर—जारी	412	0	45	66
	कार्ट ट्रैक	0	03	72
	319	0	09	33
	320	0	27	90
	331	0	81	00
	332	0	08	07
	333	0	47	68
	273	0	26	94
	272	0	16	95
	263	0	00	78
	264	0	29	59
	265	0	21	03
	266	0	31	01
	267	0	00	77
	226	0	27	26
	227	0	50	99
	228	0	18	50
कुल		14	32	86
पर	कार्ट ट्रैक	0	17	18
	758	0	00	28
	757	0	32	86
	756	0	28	36
	770	0	44	49
	773	0	18	14
	774	0	07	12
	781	0	26	53
	780	0	26	45
	742	0	21	03
	736	0	04	11
	737	0	28	57
	739	0	28	06
	740	0	01	43
	732	0	26	33
	720	0	22	03
	721	0	07	80
	717	0	16	10
	716	0	28	60
	परफाल्टेड गेड	0	03	28

राज्य : गुजरात

तालुका : सांवलपुर

ज़िला : बनासकांठा

गांव	क्रम सं० ब्लॉक नं०	परिया		
		हेक्टेयर	आरे	सेंटीआरे
1	2	3	4	5
पर—जारी	715	0	09	99
	714	0	19	45
	707	0	25	30
	706	0	35	81
	702	0	04	99
	697	0	24	10
	696	0	12	86
	693	0	04	74
	690	0	02	64
	नाला	0	19	18
	683	0	04	71
	684	0	12	15
	कुल	5	64	74
राजभरा	177	0	03	71
	179	0	01	66
	183	0	78	73
	196	0	36	91
	197	0	21	84
	198	0	41	85
	200	0	06	61
	199	0	29	79
	214	0	13	08
	215	0	10	89
	216	0	09	51
	219	0	25	76
	220	0	41	10
	222	0	00	46
	221	0	26	77
	233	0	49	79
	237	0	47	95
	238	0	17	99
	कुल	4	64	40

राज्य: गुजरात		तालुका : सांतलपुर		जिला : बनासकांठा	
गांव	क्रम सं० ब्लॉक नं०	परिया			
		हेक्टर	अरे	सेंटीआरे	
छानसारा	43	0	47	46	
	42	1	58	97	
	35	0	41	83	
	34	0	39	25	
	33	0	19	83	
	28	0	11	81	
	30	0	09	47	
	29	0	19	47	
	18	0	69	59	
	16	0	28	29	
	15	0	34	40	
	14	0	54	94	
	13	0	47	59	
	9	0	09	32	
	10	0	18	40	
	11	0	17	01	
	260	0	24	91	
	259	0	18	71	
	112	0	34	31	
	257	0	24	96	
	112	0	16	63	
	254	0	35	62	
	112	0	65	95	
	241	0	02	76	
	240	0	67	88	
	239	0	33	72	
	230	0	18	81	
	238	0	01	61	
	231	0	18	06	
	229	0	58	64	
	228	0	33	15	
	218	0	14	35	
	219	0	34	42	
	216	0	47	67	
	217	0	21	65	
कुल		12	01	05	
पम्सुंद	124	0	79	73	
	122	0	87	35	
कुल		1	67	08	

राज्य : गुजरात		तालुका : सांतलपुर		जिला : बनासकांठा	
गांव	क्रम सं० ब्लॉक नं०	एरिया			
		हेक्टेयर	आरे	सेंटीआरे	
ढायगामडा	169	0	17	15	
	168	0	63	00	
	167	0	04	64	
	165	0	44	90	
	166	0	05	69	
	164	0	45	02	
	163	0	66	02	
	158	0	25	63	
	159	0	06	63	
	160	0	17	20	
	एस्फांटेड रोड	0	02	49	
	149	0	30	97	
	150	0	35	06	
	147	0	41	21	
	148	0	00	50	
	कुल	4	06	41	
बासपुरा	63	0	91	44	
	61	0	18	49	
	कार्टे ट्रैक	0	02	40	
	60	0	23	75	
	58	0	28	13	
	56	0	42	82	
	55	0	01	68	
	47	0	41	36	
	49	0	33	19	
	52	0	27	48	
	नाला	0	01	90	
	6	0	17	47	
	5	0	37	31	
	8	0	14	38	
	4	0	21	45	
	9	0	01	00	
	कार्टे ट्रैक	0	02	67	
	13	0	21	47	
	10	0	53	34	
	34	0	39	13	
	35	0	13	85	
	33	0	39	41	
	32	0	43	04	
	31	0	18	11	
	कुल	6	35	27	

રાજ્ય : ગુજરાત

તાલુકા : સતિલપુર

જિલ્લા : અનાસકાંઠા

ગાંધ	ગ્રામ સં. વ્લોક નં.	અરિયા		
		હેકટેયર	આરે	સેંટીઆરે
બામરોલી	415	0	02	86
	416	0	66	43
	કુલ	0	69	29
નલિયા	48	1	66	03
	54	0	41	30
	55	0	28	27
	કાર્ટ ટ્રેક	0	05	99
	78	0	20	65
	77	0	46	78
	68	0	41	81
	71	0	20	50
	70	0	29	86
	કુલ	4	01	19
માનપુરા	156	0	28	33
	157	0	21	65
	150	0	55	35
	151	0	15	50
	145	0	15	85
	કાર્ટ ટ્રેક	0	05	29
કુલ		1	41	97

राज्य : गुजरात

तालुका : सतिलपुर

जिला : बनासकांठा

गांव	ग्राम सं० ब्लॉक नं०	एरिया		
		हेक्टेयर	आरे	सेंटीआरे
कमलपुरा	103	0	84	26
	104	0	13	20
	105	0	47	68
	119	0	00	81
	114	0	03	95
	115	0	06	25
	118	0	17	55
	कार्ट ट्रैक	0	01	95
	120	0	13	15
	121	0	02	17
	122	0	28	14
	123	0	09	59
	124	0	08	23
	125	0	01	16
	126	0	12	92
	127	0	14	40
	एस्फाल्टेड रोड	0	02	70
	130	0	49	14
	एस्फाल्टेड रोड	0	01	11
	131	0	22	64
	कुल	3	41	00
बाराही	कार्ट ट्रैक	0	00	14
	571	0	15	34
	570	0	21	09
	569	0	27	88
	563	0	04	55
	563	0	08	73
	564	0	50	21
	565	0	18	66
	513	0	20	81
	512	0	20	31
	511	0	18	38
	502	0	18	93
	एस्फाल्टेड रोड	0	07	58

राज्य : गुजरात

तालुका : सांवलपुर

जिला : वनासकाया

गांव	ग्राम सं. ब्लाक नं.	परिया		
		हेक्टेयर	आरे	सेटीआरे
1	2	3	4	5
बाराही	471	0	28	47
	90	0	01	17
	कार्ट ट्रैक	0	14	22
	470	0	24	03
	411	0	17	91
	412	0	12	23
	414	1	13	37
	एस्फाल्टेड रोड	0	01	14
	401	0	30	54
	398	0	26	99
	399	0	28	20
	कार्ट ट्रैक	0	05	51
	322	0	12	29
	323	0	21	41
	312	0	08	42
	676	0	04	37
	311	0	22	92
	एस्फाल्टेड रोड	0	03	26
	207	0	03	32
	208	0	10	90
	कार्ट ट्रैक	0	01	57
	223	0	17	31
	224	0	02	57
	222	0	16	45
	219	0	04	77
	227	0	47	94
	228	0	03	01
	कार्ट ट्रैक	0	05	57
	कुल	7	23	37
सखापुरा	121	0	36	63
	122	0	01	24
	128	0	30	53
	127	0	03	32
	130	0	01	02
	131	0	28	79
	132	0	32	29
	139	0	33	20
	140	0	29	90
योग		1	96	92

राज्य : गुजरात		तालुका : सातलपुर		जिला : वनासकांठा	
गांव	क्रम सं. व्वाक न.	एरिया			
		हेक्टेयर	आरे	सेंटीआरे	
1	2	3	4	5	
नवागाम	29	0	19	70	
	27	0	30	67	
	कार्ट ट्रक	0	05	35	
	52	0	07	96	
	54	0	24	96	
	53	0	17	01	
	55	0	26	99	
	64	0	11	71	
	67	0	40	27	
	65	0	01	57	
	66	0	26	10	
	कार्ट ट्रक	0	02	38	
	81/1	0	01	32	
	80	0	13	22	
	81/2	0	22	21	
	82	0	08	57	
	77	0	52	81	
	103	0	02	37	
	96	0	14	04	
	102	0	26	22	
	106	0	57	47	
	109	0	60	20	
	110	0	06	12	
	111	0	34	06	
	115	0	11	86	
	122	0	07	41	
	98	0	15	58	
	119	0	24	72	
	118	0	70	11	
	117	0	11	03	
	119	0	14	71	
	कार्ट ट्रक	0	02	27	
कुल		6	73	97	
वनदिया	36	0	17	50	
	83	0	04	64	
	कुल	0	22	14	

New Delhi, the 9th March, 1998

S.O.577.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Kandla, Gujarat to Loni, Uttar Pradesh State, pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority Gas Authority of India Ltd., 2nd Floor, Darpan Bldg., R.G. Dutta Road, Baroda.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

LPG Gas Pipeline from Kandla to Loni
(Lakhsat to Patan Section)

State : Gujarat

Taluka : Santalpur

Dist. : Banaskantha

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centiare
1	2	3	4	5
Piprala	Govt. Land	5	59	36
	785	0	41	25
	Govt. Land	0	00	62
	Govt. Land	0	04	23
	Govt. Land	0	63	79
	Asphalted Road	0	00	85
	818	0	28	87
	Govt. Land	0	03	87
	834	0	33	04
	835	0	31	85
	Govt. Land	0	17	53
	857	0	35	74
	862	0	09	08
	Govt. Land	0	13	58
	863	0	15	60
	Govt. Land	0	15	60
	864	0	13	03
	Govt. Land	0	09	87
	889	0	61	51
	Cart Track	0	06	37
	1366	0	29	58
	1365	0	30	09
	Govt. Land	0	02	93
	904	0	29	52
	905	0	04	59
	903	0	14	79
	906	?	54	18
	1267	0	23	11
	1266	0	21	30
	1264	0	23	04
	1263	0	09	10
	1258	0	17	26

State : Gujarat

Taluk : Santalpur

Dist. : Banaskantha

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centiare
1	2	3	4	5
Piprala	1260	0	19	18
	1259	0	13	71
	1258	0	59	06
	930	0	21	33
	931	0	23	39
	941	0	30	67
	946	0	12	20
	947	0	11	46
	952	0	26	80
	953	0	14	30
	954	0	28	20
	054	0	02	41
	Govt. Land	0	14	98
	988	0	12	75
	989	0	12	76
	1010	0	20	13
	1011	0	05	96
	1012	0	12	84
	1013	0	20	25
	1014	0	03	45
	1016	0	00	05
	1015	0	32	11
	1017	0	00	70
	1062	0	21	31
	1061	0	14	62
	1060	0	30	23
	1028	0	17	01
	1029	0	28	76
	1035	0	09	22
	1034	0	15	52
	1036	0	13	87
	1038	0	08	98
	1037	0	37	29
TOTAL		20	20	63
Roju	199	0	34	34
	200	0	13	54
	198	0	18	63
TOTAL		0	66	51

State : Gujarat

Taluk : Santalpur

Dist. : Banaskantha

Village

Sr. No. Block No.

AREA

		AREA		
		Hactare	Are	Centiare
Garamadi	476	1	93	67
	465	0	24	85
	466	0	22	55
	463	0	31	91
	469	0	21	77
	470	0	12	92
	Cart Track	0	02	82
	428	0	18	23
	427	0	17	14
	426	0	30	47
	425	0	11	94
	397	0	21	15
	398	0	11	60
	396	0	15	55
	391	0	18	48
	390	0	35	22
	383	0	34	55
	384	0	27	51
	Cart Track	0	02	67
	511	0	17	26
	512	0	17	40
	513	0	28	29
	Cart Track	0	04	07
	355	0	47	46
	361	0	21	05
	359	0	09	99
	360	0	14	44
	358	0	11	24
	356	0	17	19
	355	0	04	10
	351	0	04	91
	349	0	20	41
	352	0	10	15
	348	0	28	46
	347	0	18	27
	346	0	00	59
	345	0	23	89
	355	0	06	47
	344	0	13	15
	331	0	16	97
TOTAL		10	90	87
Santalpur	667	0	24	10
	665	0	13	90
	661	0	24	92

1	2	3	4	5
Santalpur	660	0	25	78
	557	0	16	55
	655	0	35	93
	654	0	16	94
	651	0	02	92
	652	0	31	02
	632	0	22	81
	633	0	13	54
	631	0	68	76
	622	1	39	08
	626	0	21	47
	625	0	21	78
	752	0	14	81
	753	0	17	93
	W. Rly. Line	0	12	46
	818	0	07	62
	501	0	20	09
	Cart Track	0	01	60
	499	0	12	05
	500	0	22	97
	602	0	76	71
	489	0	20	54
	490	0	07	09
	486	0	44	51
	602	0	02	56
	485	0	12	31
	Stream	0	15	21
	480	0	16	83
	479	0	21	55
	474	0	14	09
	478	0	05	50
	475	0	15	96
	476	0	16	80
	433	0	59	55
	435	0	04	06
	428	0	38	81
	426	0	18	28
	427	0	06	32
	412	0	45	66
	Cart Track	0	03	72
	319	0	09	33
	320	0	27	90
	331	0	81	00
	332	0	08	07
	333	0	47	68
	273	0	26	94
	272	0	16	95
	263	0	00	78
	264	0	29	59
	265	0	21	03
	266	0	31	01
	267	0	00	77
	226	0	27	26
	227	0	50	99
	228	0	18	50
	TOTAL	14	32	86

State : Gujarat

Taluk : Santalpur

Distt. : Banaskantha

Village	Sr. No. Block No.	Area		
		Hactare	Arc	Centiare
1	2	3	4	5
Par	Cart Track	0	17	18
	758	0	00	28
	757	0	32	86
	756	0	28	36
	770	0	44	49
	773	0	18	14
	774	0	07	12
	781	0	26	53
	780	0	26	45
	742	0	21	03
	736	0	04	11
	737	0	28	57
	739	0	28	06
	740	0	01	43
	732	0	26	33
	720	0	22	03
	721	0	07	60
	717	0	16	10
	716	0	28	60
	Asphalted Road	0	03	28
	715	0	09	99
	714	0	19	45
	707	0	25	30
	706	0	35	81
	702	0	04	99
	697	0	24	10
	696	0	12	86
	693	0	04	74
	690	0	02	64
	Nala	0	19	18
	683	0	04	71
	684	0	12	15
	TOTAL	5	64	47
Rajusara	177	0	03	71
	179	0	01	66
	183	0	78	73
	196	0	36	91
	197	0	21	84
	198	0	41	85
	200	0	06	61
	199	0	29	79
	214	0	13	08
	215	0	10	89
	216	0	09	51
	219	0	25	76

State : Gujarat

Taluk : Santalpur

Dist. : Banaskantha

Village

Sr. No. Block No.

AREA

Hactare Are Centiare

2 3 4 5

Rejasura

220 0 41 10

222 0 00 46

221 0 26 77

233 0 49 79

237 0 47 95

238 0 17 99

TOTAL 4 64 40

Chhansara

43 0 47 46

42 1 58 97

35 0 41 83

34 0 39 25

33 0 19 83

28 0 11 81

30 0 09 47

29 0 19 05

18 0 69 59

16 0 28 29

15 0 34 40

14 0 54 94

13 0 47 59

9 0 09 32

10 0 18 40

11 0 17 01

260 0 24 91

259 0 18 71

112 0 34 21

257 0 24 96

112 0 16 63

254 0 35 62

112 0 65 95

241 0 02 76

240 0 67 88

239 0 33 72

230 0 18 81

238 0 01 64

231 0 18 06

229 0 58 64

228 0 33 15

218 0 14 35

219 0 34 41

216 0 47 67

217 0 21 65

TOTAL 12 01 05

State : Gujarat

Taluka : Santalpur

District : Banaskantha

Village

Sr. No. Block No.

AREA

		Hactare	Acre	Centiare
Parsund	124	0	79	73
	122	0	87	35
	TOTAL	1	67	08
Diagamda	169	0	17	45
	168	0	63	00
	167	0	04	64
	165	0	44	90
	166	0	05	69
	164	0	45	02
	163	0	66	02
	158	0	25	63
	159	0	06	63
	160	0	17	20
	Asphalted Road	0	02	49
	149	0	30	97
	150	0	35	06
	147	0	41	21
	148	0	00	50
	TOTAL	4	06	41
Vaghpura	63	0	91	44
	61	0	18	49
	Cart Track	0	02	40
	60	0	23	75
	58	0	28	13
	56	0	42	82
	55	0	01	68
	47	0	41	36
	49	0	33	19
	52	0	27	48
	Nala	0	01	90
	6	0	17	47
	5	0	37	31
	8	0	14	38
	4	0	21	45
	9	0	01	00
	Cart Track	0	02	67
	13	0	21	47
	10	0	53	34
	34	0	39	13
	35	0	13	85
	33	0	39	41
	32	0	43	04
	31	0	18	11
	TOTAL	6	35	27

State : Gujarat		Taluk : Santalpur		Dist. : Banaskantha		
Village	Sr. No. Block No.	Area				
		Hectare	Acre	Centiare		
Bamroli	415	0	02	86		
	416	0	66	43		
	Total	0	69	29		
Naliya	48	1	66	03		
	54	0	41	30		
	55	0	28	27		
	Cart Track	0	05	99		
	78	0	20	65		
	77	0	46	78		
	68	0	41	81		
	71	0	20	50		
	70	0	29	86		
	Total	4	01	19		
	Manpura	156	0	28	33	
157		0	31	65		
150		0	55	35		
151		0	15	50		
145		0	15	85		
Cart Track		0	05	29		
Total		1	41	97		
Kamalpura	103	0	84	26		
	104	0	13	20		
	105	0	47	68		
	119	0	00	81		
	114	0	03	95		
	115	0	06	25		
	118	0	17	55		
	Cart Track	0	01	95		
	120	0	13	15		
	121	0	02	17		
	122	0	28	14		

State : Gujarat

Taluk : Santalpur

Dist. Banaskantha

Village

Sr. No.
Block No.

Area

Hactare

Arc

Centriare

		3	4	5
Kamalpara	123	0	09	59
	124	0	08	23
	125	0	01	16
	126	0	12	92
	127	0	14	40
	Asphalted Road	0	02	70
	130	0	49	14
	Asphalted Road	0	01	11
	131	0	22	64
	Total	3	41	00
Varahi	Cart Track	0	00	14
	571	0	15	34
	570	0	21	99
	569	0	27	88
	563	0	04	55
	568	0	08	73
	564	0	50	21
	565	0	18	66
	513	0	20	81
	512	0	20	31
	511	0	18	38
	502	0	18	93
	Asphalted Road	0	07	58
	477	0	28	47
	908	0	01	17
	Cart Track	0	14	22
	460	0	24	03
	411	0	17	91
	412	0	12	23
	414	1	13	37
	Asphalted Road	0	01	14
	401	0	30	54
	398	0	26	99
	399	0	28	20
	Cart Track	0	05	51
	322	0	12	29
	323	0	21	41
	312	0	08	42
	676	0	04	37
	311	0	22	92
	Asphalted Road	0	03	26
	208	0	03	32
	207	0	10	90
	Cart Track	0	01	57
	223	0	17	31
	224	0	02	57
	222	0	16	45
	219	0	04	77
	227	0	47	94
	228	0	05	57
	Cart Track			
	Total	7	23	37

State : Gujarat	Taluk : Santalpur	Dist. Banaskantha		
Village	Sr. No. Block No.	Area		
		Hactare	Are	Centiare
Lakhapura	121	0	36	3
	122	0	01	24
	128	0	30	53
	127	0	03	32
	130	0	01	02
	131	0	28	79
	132	0	32	29
	139	0	33	20
	140	0	29	90
	Total	1	96	92
Navagam	29	0	19	70
	27	0	30	67
	Cart Track	0	05	35
	52	0	07	96
	54	0	24	96
	53	0	17	01
	55	0	26	99
	64	0	11	71
	67	0	40	27
	65	0	01	57
	66	0	26	10
	Cart Track	0	02	38
	81/1	0	04	32
	80	0	13	22
	81/2	0	22	21
	82	0	08	57
	77	0	52	81
	103	0	02	37
	96	0	14	04
	102	0	26	22
	106	0	57	47
	109	0	60	20
	110	0	06	12
	111	0	34	06
	115	0	11	86
	122	0	07	41
	98	0	15	58
	119	0	24	72
	118	0	70	11
	117	0	11	03
	119	0	14	71
	Cart Track	0	02	27
	Total	6	73	97

State : Gujarat

Taluk : Santalpur

Dist. Banaskantha

Village	Sr. No. Block No.	Area		
		Hectare	Area	Centiare
Vandiya	36	0	17	50
	83	0	04	64
	Total	0	22	14

[No. L-14016/4/97-G.P]
I.S.N. PRASAD, Dy. Secy.

नई दिल्ली, 9 मार्च, 1998

का.आ. 578.--चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि कांडला, गुजरात राज्य से लोनी उत्तर प्रदेश तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथॉरिटी ऑफ इंडिया लि. द्वारा बिछाई जानी चाहिए।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन को बिछाने के प्रयोजन के लिए एतद्भावद्व अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 क. 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तिश्री का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित करती है।

तथा कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वितीय तल, दर्पण बिल्डिंग, आर.सी. दन रोड, बरोडा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कांडला से लोनी तक एल.पी.जी. गैस पाइप लाइन
(लम्बवत में पाटन अनुभाग)

राज्य : गुजरात

तालुका : राधनपुर

जिला : बनासकांठा

गांव	क्रम सं. ब्लॉक न.	एरिया		
		हेक्टेयर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)
नानीपिपली	कार्ट ट्रैक	0	09	08
	151	0	53	79
	150	0	26	26
	149	0	39	56
	130	0	40	21
	126	0	52	99
	134	0	04	61
	123/1	0	33	16
	123/2	0	20	65
	123/3	0	36	62
	116	0	09	18
	कार्ट ट्रैक	0	05	36
	62	0	05	70

राज्य : गुजरात

नाम : राजा

जिला : जनापकांडा

गांव	क्रम सं. जनाप. न.	एरिया		
		हेक्टेयर	आरे	मैटीआरे
1	2	3	4	5
नानीपिपली	काटे ट्रैक	0	03	11
	61	0	20	99
	60	0	51	40
	57/1	0	11	40
	57/2	0	25	40
	काटे ट्रैक	0	03	77
	39	0	41	06
	30	0	52	97
	31	0	29	75
	22	0	47	35
	मेटलड रोड	0	08	41
	21	0	10	07
	कुल	6	42	85
मोटीपिपली	काटे ट्रैक	0	04	07
	एस्फाल्टेड रोड	0	00	32
	465	0	01	72
	464	0	01	43
	10	0	00	16
	कुल	0	07	90
सरकारपुर	33	0	29	02
	एस्फाल्टेड रोड	0	02	97
	31	0	21	74
	30	0	11	19
	29	0	11	47
	27	0	09	93
	24	0	08	98
	23	0	09	86
	22	0	08	64
	21	0	11	87
	एस्फाल्टेड रोड	0	01	40
	20	0	14	96

राज्य : गुजरात

तालुका : राधनपुर

जिला : वनासकाठा

गांव	क्रम नं. ब्लॉक नं.	परिमाणु		
		हेक्टेयर	घारे	सेंटीघारे
1	2	3	4	5
सरकारपुर	17	0	06	67
	19	0	04	60
	18	0	24	43
	16	0	22	85
	15	0	33	54
	13	0	27	13
	342	0	35	29
	कार्ट ट्रैक	0	10	66
	342	0	07	69
	247	0	40	57
	248	0	26	32
	250	0	09	83
	कार्ट ट्रैक	0	09	50
	317	0	48	14
	316	0	19	67
	315	0	17	31
	318	0	49	12
	319	0	51	77
	310	0	11	35
	कार्ट ट्रैक	0	31	39
	304	0	02	21
कुल		7	32	07
सादुन	69	0	69	57
	68	0	42	66
	66	0	20	41
	65	0	06	59
	64	0	24	28
	62	0	18	62
	कार्ट ट्रैक	0	06	71
	88	0	06	95
	89	0	21	89
	90	0	27	49
	100	0	18	91
	99	0	40	34
	कार्ट ट्रैक	0	03	93
	169/1	0	41	36

(1)	(2)	(3)	(4)	(5)
भादुन	152	0	27	47
	151	0	27	61
	156	0	03	93
	150	5	41	02
	149	0	10	25
	कार्ट ट्रैक	0	04	95
	202/2	0	36	55
	201	0	23	70
	198	5	29	76
	208	0	46	21
	210	0	16	27
	213/1	0	01	12
	कार्ट ट्रैक	0	03	95
	213/1	0	41	96
	पी/3	0	00	60
	215	0	25	07
	216/पी/2	0	42	27
	कुल	7	37	40

राधनपुर	231	0	17	67
	237	0	42	64
	253	0	01	19
	कार्ट ट्रैक	0	02	18
	272	0	54	25
	कार्ट ट्रैक	0	02	52
	267/ए	0	00	47
	269/बी	0	00	20
	267/बी	0	07	32
	266	0	24	08
	रोड	0	09	47
	301/6	0	22	87
	304/1	0	48	36
	301/9	0	22	09
	301/10	0	04	67
	रोड	0	08	62
	391/5	0	10	22
	308/1	0	33	73
	309	0	17	23
	311	0	15	22

1	2	3	4	5
राधन पुर—जारी	310	0	14	78
	रोड	0	04	66
	347/8	0	01	08
	335	0	40	42
	मैटलड रोड	0	06	48
	336	5	20	07
	334	0	31	92
	333	0	28	05
	पी.एल.	0	12	42
	रोड	0	07	74
	393	0	35	47
	395	0		23
	392	0	32	88
	एम्फाल्टेड रोड	0	01	18
	428	0	20	59
	414	0	54	79
	कार्ट ट्रैक	0	03	49
	415	0	11	24
	कुल	7	95	7
सरदारपुर	38	0	10	11
	36	0	42	97
	20	0	14	45
	34	0	20	51
	24	0	22	38
	25	0	29	59
	67	0	25	49
	68/1	0	26	76
	68/2	0	11	08
	69	0	01	93
	82	0	09	12
	84	0	45	70
	85	0	25	70
	86	0	28	40
	कार्ट ट्रैक	0	06	14
	100	0	51	49
	99	0	03	64
	98/1	0	36	03
	96	5	28	14
	95	0	07	00
	कुल	4	49	67

1	2	3	4	5
सिनाद	332	0	22	79
	321	0	37	64
	नहर (कैमल)	0	12	71
	कार्ट ट्रैक	0	01	80
	555	0	48	87
	कार्ट ट्रैक	0	04	60
	560	0	44	94
	562	0	21	46
	कार्ट ग्रेक	0	03	16
	243	0	40	88
	कार्ट ट्रैक	0	04	20
	231	0	22	40
	232	0	24	41
	164	0	00	17
	कार्ट ट्रैक	0	04	78
	205	0	24	58
	204	0	00	11
	203	0	28	04
	207	0	18	94
	201	0	07	57
	208	0	23	29
	200	0	06	92
	189	0	45	73
	188	0	27	19
	187	0	38	05
	178	0	14	18
	179	0	07	79
	कार्ट ट्रैक	0	10	41
	150	0	19	49
	150/1	0	01	95
	149	0	26	70
	कुल	6	13	75
नामावृत्त	328	0	55	92
	329	0	27	66

1	2	3	4	5
नानापुरा	352	0	20	93
	351	0	39	82
	358	0	05	36
	349	0	31	29
	359	0	37	04
	360	0	33	80
	361	0	00	28
	कार्टे ट्रैक	0	05	56
	386	0	23	65
	387	0	57	71
	स्ट्रीम	0	11	15
	389	0	21	74
	स्ट्रीम	0	04	55
	14	0	37	16
	15	0	10	35
	14	0	00	86
	16	0	31	73
	17	0	33	16
	19	0	28	40
	एम्फाल्टेड	0	01	26
	35	0	10	27
	36	0	27	69
	37	0	15	38
	32	0	41	34
	31	0	33	88
	30	0	26	17
	कुल	6	77	38
भारखडी	347	0	20	44
	कार्टे ट्रैक	0	00	17
	346	0	30	71
	345	0	44	06
	कार्टे ट्रैक	0	09	58
	339	0	28	51
	340	0	19	57
	कैनल	0	03	56
	402/2	0	04	52
	402/1	0	16	15
	400	0	23	77
	399	0	54	79
	406	0	00	08

1	2	3	4	5
भारखनी	407	0	25	80
	409	0	00	14
	408	0	33	23
	395	8	10	12
	फाटें ट्रैक	0	00	88
	मैटलड रोड	0	01	25
	27	0	04	25
	24	0	38	58
	23	0	22	84
	स्ट्रीम	0	15	28
	35	0	31	86
	कुल	4	40	38

[सं० एल-14016/4/97-जी.पी.]

आई. एस. एन. प्रसाद, उप सचिव

New Delhi, the 9th March, 1998

S.O. 578.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Kandla Gujarat to Loni Uttar Pradesh State, pipeline should be laid by the Gas Authority of India Ltd.

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of User in the land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

PROVIDED THAT any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Gas Authority of India Ltd, 2nd Floor Darpan Bld. R.G Dutta Rd. Baroda.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

LPG Gas Pipeline from Kandla to Loni
(Lakhpur to Patan Section)

State : Gujarat

Taluk - Radhanpur

Distt. Banaskantha

Village	Sr. No. Block No.	Area		
		Hectare	Area	Centiare
1	2	3	4	5
Nanipipli	Cart Track	0	09	08
	151	0	53	79
	150	0	26	26
	149	0	39	56
	130	0	40	21
	126	0	52	99
	134	0	04	61
	123/1	0	33	16

State : Gujarat

Taluk : Radhanpur

Dist : Banaskantha

Village	Sr. No. Block No.	Area		
		Hectare	Acre	Centiare
1	2	3	4	5
Nanipipli—Contd.	123/2	0	20	65
	123/3	0	36	62
	116	0	09	18
	Cart Track	0	05	36
	62	0	05	70
	Cart Track	0	03	11
	61	0	20	99
	60	0	51	40
	57/1	0	11	40
	57/2	0	25	40
	Cart Track	0	03	77
	39	0	41	06
	30	0	52	97
	31	0	29	75
	22	0	47	35
	Metalled Road	0	08	41
	21	0	10	07
	Total	6	42	85
Motipipli	Cart Track	0	04	07
	Asphalted Road	0	00	32
	465	0	01	72
	464	0	01	43
	10	0	00	16
	Total	0	07	70
Sarkarpur	33	0	29	02
	Asphalted Road	0	02	97
	31	0	21	74
	30	0	11	19
	29	0	11	47
	27	0	09	93
	24	0	08	98
	23	0	09	86
	22	0	08	64
	21	0	11	87
	Asphalted Road	0	01	40
	20	0	14	96
	17	0	06	67

State : Gujarat

Taluk : Radhanpur

Dist : Banaskantha

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centiare
1	2	3		5
Sarkarpur—Contd.	19	0	04	60
	18	0	24	43
	16	0	22	85
	15	0	33	54
	13	0	27	13
	342	1	35	29
	Cart Track	0	10	66
	342	0	07	69
	247	0	40	57
	248	0	26	32
	250	0	09	83
	Cart Track	0	09	50
	317	0	48	14
	316	0	19	67
	315	0	17	31
	318	0	49	12
	319	0	51	77
	310	0	11	35
	Cart Track	0	31	39
	304	0	02	21
Total		0	32	07
Satun	69	0	69	57
	68	0	42	66
	66	0	20	41
	65	0	06	59
	64	0	24	28
	62	0	18	52
	Cart Track	0	06	71
	88	0	06	95
	89	0	21	89
	90	0	27	49
	100	0	18	91
	99	0	40	34
	Cart Track	0	03	94
	169/1	0	41	36
	152	0	27	47
	151	0	27	61
	156	0	03	93
	150	0	41	02
	149	0	10	25
	Cart Track	0	04	95
	202/2	0	36	55
	201	0	23	70
	198	0	29	76
	208	0	46	21
	210	0	16	27
	213/1	0	06	12

State : Gujarat

Taluk : Radhanpur

Dist. : Banaskantha

Village	Sr. No. Block No.	Area		
		Hactare	Are	Centiare
1	2	3	4	5
Satun—(Contd.)	Cart Track	0	03	95
	213/1	0	41	96
	P/3	0	00	60
	215	0	25	07
	216/P/2	0	42	27
	Total	0	37	40
Radhanpur	231	0	17	67
	237	0	42	64
	253	0	01	19
	Cart Track	0	02	18
	272	1	54	25
	Cart Track	0	02	52
	267/A	0	00	47
	269/B	0	00	20
	267/B	0	07	32
	266	0	24	08
	Road	0	09	47
	301/6	0	22	87
	304/1	0	48	36
	301/9	0	22	09
	301/10	0	04	67
	Road	0	08	62
	301/5	0	10	22
	308/1	0	33	73
	309	0	17	23
	311	0	15	22
	310	0	14	78
	Road	0	04	66
	347/8	0	01	08
	335	0	40	42
	Metalled Road	0	06	48
	336	0	20	07
	334	0	31	92
	333	0	28	05
	pl	0	12	42
	Road	0	07	74
	393	0	35	47
	395	0	20	23
	392	0	32	88
	Asphalted Road	0	01	48
	428	0	20	59
	414	0	54	79
	Cart Track	0	03	49
	415	0	14	24
	Total	7	95	79

State : Gujarat

Taluk : Radhanpur

Dist. : Banaskantha

Village	Sr. No. Block No.	Area		
		Hactare	Are	Centiare
Sardarpur	38	0	10	11
	36	0	42	97
	20	0	14	45
	34	0	20	51
	24	0	22	38
	25	0	29	59
	67	0	25	49
	68/1	0	26	76
	68/2	0	11	08
	69	0	01	93
	82	0	09	12
	84	0	45	70
	85	0	25	74
	86	0	28	40
	Cart Track	0	06	14
	100	0	54	49
	99	0	03	64
	98/1	0	36	03
	96	0	28	14
	95	0	07	00
Total		4	49	67
Sinad	322	0	22	79
	321	0	37	64
	Canal	0	12	71
	Cart Track	0	01	80
	555	0	48	87
	Cart Track	0	04	60
	560	0	44	94
	562	0	21	46
	Cart Track	0	03	16
	243	0	40	88
	Cart Track	0	04	20
	231	0	22	40
	232	0	24	41
	164	0	48	17
	Cart Track	0	04	78
	205	0	24	58
	204	0	00	11
	203	0	28	04
	207	0	18	94
	201	0	07	57
	208	0	23	29
	200	0	06	92
	189	0	45	73
	188	0	27	19

State : Gujarat

Taluk : Radhanpur

Dist. : Banaskantha

Village	Sr. No. Block No.	Area		
		Hactare	Arc	Centiare
1	2	3	4	
Sinad—(Contd.)	187	0	38	05
	178	0	14	18
	179	0	07	79
	Cart Track	0	10	41
	150	0	19	49
	150/1	0	01	95
	149	0	26	70
	Total	6	43	75
Nanapura	328	0	55	92
	329	0	27	66
	Cart Track	0	03	27
	352	0	20	93
	351	0	39	8
	358	0	05	36
	349	0	31	29
	359	0	37	04
	360	0	33	80
	361	0	00	28
	Cart Track	0	05	56
	386	0	23	65
	387	0	57	71
	Stream	0	11	15
	389	0	21	74
	Stream	0	04	55
	14	0	37	16
	15	0	10	35
	14	0	00	86
	16	0	31	73
	17	0	33	16
	19	0	28	40
	Asphalted Road	0	01	26
	35	0	10	27
	36	0	27	69
	37	0	15	38
	32	0	41	34
	31	0	33	88
	30	0	26	17
	Total	6	77	38

State : Gujarat

Taluk : Radhanpur

Dist. : Banaskantha

Village	Sr. No. Block No.	Area		
		Hactare	Ac	Centiare
Dharwadi	347	0	20	44
	Cart Track	0	00	17
	346	0	30	71
	345	0	44	06
	Cart Track	0	09	58
	339	0	28	51
	340	0	19	57
	Canal	0	03	56
	402/2	0	04	52
	402/1	0	16	15
	400	0	23	77
	399	0	54	79
	406	0	00	08
	407	0	25	80
	409	0	00	14
	408	0	33	23
	395	0	10	12
	Cart Track	0	00	88
	Metalled Road	0	01	25
	27	0	04	25
	24	0	38	58
	23	0	22	84
	Stream	0	15	28
	35	0	31	86
	Total	4	40	38

[No. L-14016/4/97-GP]
I.S.N. PRASAD, Dy. Secy.

नई दिल्ली, 9 मार्च, 1998

का.आ. 579.—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि काण्डवा, गुजरात राज्य से लोनी उत्तर प्रदेश तक पैट्रोनियम और प्राकृतिक गैस के परिवहन के लिये पाइपलाइन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिये।

और चूंकि यह प्रतीत होता है कि ऐसी लाईन को बिछाने के प्रयोजन के लिये एन्डोराइज्ड अनुमूर्ची से वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पैट्रोनियम और अर्जित पाइपलाइन (भूमि में उपयोग के लिये अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उसमें उपरोक्त का अधिकार अर्जित करने का अपना आदेश एतद्वारा घोषित करती है।

वर्णन कि उक्त भूमि में हितवादी कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिये आक्षेप स्वीकृत प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड लिखित रूप से, अपने विनिर्देश आदेशों, बत पाइ, एन्डोरा के इस अधिनियम की धारा 3 से 21 दिनों के अन्दर कर सकेगा।

और ऐसा आश्रय करने वाला हर व्यक्ति विनिश्चित: यह भी कथन करेगा कि क्या यह चाहता है कि उसको सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कांदला से लोनी तक एल.पी.जी. गैस पाइपलाईन

(लखपत से पाटन अनुभाग)

राज्य : गुजरात

तालुका : कन्करेज

जिला : बनासकांठा

गांव	क्रम सं. ब्लॉक नं.	एरिया		
		हेक्टेयर	आरे	सेंटीआरे
1	2	3	4	5
रतनपुरा	120	0	17	74
	121	0	27	42
	कार्टे ट्रैक	0	03	73
	122	0	43	13
	कुल	0	92	07
मानपुरा	27	0	36	50
	28	0	17	10
	29	0	34	20
	30	0	26	15
	36	0	34	35
	34	0	00	61
	35	0	49	15
	कार्टे ट्रैक	0	01	90
	50	0	57	20
	60	0	04	61
	58	0	15	60
	59	0	13	09
	69	0	32	50
	70	0	16	75
	71	0	04	15
	76	0	14	77
	77	0	24	90
	78	0	34	10
	83	0	21	60
	78	0	19	15
	83	0	11	75
	82	0	04	92
	84	0	17	20
	86	0	63	65
	बैरन लैंड	0	03	46
	ग्राम	5	59	36

राज्य : गुजरात		तालुका : कन्करेज		जिला : वनापकांथ	
गांव	क्रम सं. ब्लॉक सं.	परिया			
		हैक्टेयर	आरे	सटीआर	
1	2	3	4	5	
ऊन	587	0	20	38	
	589	0	23	76	
	586	0	38	19	
	596	0	15	12	
	काटे ट्रंक	0	03	69	
	579	0	01	09	
	580	0	25	31	
	581	0	01	16	
	579	0	15	47	
	572	0	21	77	
	571	0	24	38	
	मैटलड रोड	0	02	75	
	508	0	27	96	
	510	0	30	65	
	काटे ट्रंक	0	06	58	
	493	0	15	00	
	492	0	17	90	
	491	0	02	70	
	483	0	01	31	
	490	0	20	40	
	483	0	37	07	
	485	0	18	24	
	484	0	00	03	
	काटे ट्रंक	0	03	99	
	729	0	38	84	
	467	0	29	54	
	466	0	00	67	
	पुफास्टेड रोड	0	01	23	
	416	0	16	61	
	415	0	21	61	
	413	0	13	90	
	412	0	18	55	
	423	0	29	54	
	422	0	18	60	
	421	0	07	56	
	426	0	28	81	
	काटे ट्रंक	0	03	35	
	386	0	25	63	
	385	0	28	23	
	349	0	59	33	
	काटे ट्रंक	0	93	44	
	327	0	48	93	

राज्य : गुजरात

तालुका : कच्छ

जिला : ब्रनासकांठा

गांव

ग्राम सं. ब्लॉक नं.

एरिया

		हेक्टेयर	आरे	सेंटीआरे
1	2	3	4	5
ऊन--(जारी)	325	0	34	96
	324	0	01	18
	307	0	35	18
	309	0	35	18
	308	0	06	54
	310	0	36	75
	एम्फाल्टेड रोड	0	02	63
	258	0	16	77
	257	0	18	71
	256	0	23	06
	260	0	03	66
	252	0	41	94
	251	0	11	94
	249	0	21	86
	कुल	10	59	63
मिया	224	0	30	32
	225	0	05	78
	223	0	00	01
	222	0	15	67
	237	0	45	56
	239	0	31	54
	240/1	0	06	66
	214	0	02	15
	241	0	20	40
	242	0	28	56
	कार्ट ट्रैक	0	02	75
	164	0	29	66
	162	0	31	94
	163	0	03	29
	160	0	00	22
	एम्फाल्टेड रोड	0	01	42
	146	0	09	81
	147	0	26	61
	135	0	28	85
	133	0	29	18
	130	0	39	93
	131	0	08	39
	एम्फाल्टेड रोड	0	01	86
	129/1	0	15	17
	वानस नदी	0	26	90
कुल		4	42	63

राज्य : गुजरात

तालुका : कन्करेज

जिला : बनासकांठा

गांव	क्रम सं. ब्लॉक नं.	एरिया		
		हेक्टेयर	अारे	सेंटीअारे
1	2	3	4	5
ग्रोधवा	बनास नदी	0	56	62
	5	0	31	21
	कार्ट ट्रैक	0	02	40
	47	0	18	29
	48/1	0	00	02
	48/2	0	24	17
	44	0	27	31
	43	0	13	89
	38	0	21	58
	37	0	00	49
	एस्फाल्टेड रोड	0	01	82
	58	0	43	63
	57/1	0	00	36
	61	0	28	51
	60	0	05	01
	62	0	26	75
	63/1	0	17	80
	63/2	0	16	02
	कार्ट ट्रैक	0	02	73
	88	0	50	94
	81	0	15	07
	82/1	0	06	34
	82/2	0	20	58
	कुल	4	31	54
टोटाना	87	0	20	65
	88	0	00	18
	92	0	26	20
	82	0	23	80
	कार्ट ट्रैक	0	02	36
	77	0	42	50
	78	0	27	07
	65	0	28	16
	66	0	62	93
	एस्फाल्टेड	0	01	73
	61	0	17	77
	60	0	17	29
	59	0	33	70
	कुल	3	04	34

राज्य : गुजरात		तालुका : कन्करेज		जिला : बनासकांठा	
गांव	क्रम सं. ब्लॉक सं.	परिया			
		हेक्टेयर	घारे	सेंटीघारे	
1	2	3	4	5	
बरिया	307	0	03	84	
	कार्टे ट्रैक	0	01	95	
	307	0	04	15	
	306	0	33	50	
	304	0	30	89	
	कार्टे ट्रैक	0	02	51	
	300	0	33	82	
	298	0	25	26	
	296	0	33	36	
	295	0	21	76	
	293	0	13	03	
	291	0	33	42	
	कुल	2	37	49	
मोटाजामपुरा	303	0	76	91	
	स्ट्रीम	0	08	52	
	300	0	41	09	
	स्ट्रीम	0	08	11	
	बनस नदी	0	62	56	
	231	1	16	27	
	232	1	05	98	
	112	2	07	53	
	स्ट्रीम	0	06	30	
	219	0	13	45	
	216	0	34	12	
	215	0	01	04	
	210	0	15	54	
	कार्टे ट्रैक	0	02	55	
	210	0	07	35	
	209	0	08	35	
	206	0	19	71	
	208	0	20	85	
	200	0	22	08	
	199	0	10	74	
	198	0	16	10	
	112	0	03	40	
	197	0	45	88	
	196	0	39	48	
	167	0	28	63	
	स्ट्रीम	0	02	98	
	170	0	30	42	
	179	0	28	82	
	कुल	9	84	67	

राज्य : गुजरात

तालुका : कन्करेज

जिला : बनासकांठा

गांव	क्रम सं. ब्लॉक नं.	एरिया		
		हेक्टेयर	घारे	सेंटीघारे
1	2	3	4	5
वसरा	117	0	52	91
	कार्ट ट्रैक	0	02	90
	127	0	55	63
	125	0	14	07
	126	0	17	66
	124	0	00	41
	123	0	53	63
	122	0	19	29
	126	0	17	89
	कुल	2	34	39
अमर नेमदा	189	0	35	16
	192	0	07	13
	187	0	78	78
	एस्फाल्टेड रोड	0	01	67
	180	0	23	80
	179	0	10	36
	181	0	00	90
	178	0	34	48
	173	0	18	59
	कार्ट ट्रैक	0	04	38
	129	0	36	52
	127	0	04	91
	128/2	0	18	57
	128/1	0	09	46
	122/1	0	10	53
	कार्ट ट्रैक	0	01	93
	83	0	19	51
	81/1 एण्ड 2	0	47	09
	80	0	24	28
	79	0	08	92
	कुल	4	96	97

New Delhi, the 9th March, 1998

S.O. 579.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Kandla, Gujarat to Loni, Uttar Pradesh State, pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., 2nd Floor, Darpan Bldg. R.G. Dutta Rd. Baroda.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

LPG Gas Pipeline from Kandla to Loni
(Lakhpat to Patan Section)

State : Gujarat

Taluk : Kankrej

Dist. Banaskantha

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centiare
1	2	3	4	5
Ratanpura	120	0	17	74
	121	0	27	42
	Cart Track	0	03	78
	122	0	43	13
	Total	0	92	07
Manpura	27	0	36	50
	28	0	17	10
	29	0	34	20
	30	0	26	15
	36	0	34	35
	34	0	00	61
	35	0	49	15
	Cart Track	0	01	90
	50	0	57	20
	60	0	04	61
	58	0	15	60
	59	0	13	09
	69	0	32	50
	70	0	16	75

State : Gujarat

Taluk : Kankrej

Dist. : Bangaskantha

Village	Sl. No. Block No.	Area		
		Hactare	Are	Centiare
1	2	3	4	5
Manpura	71	0	04	15
	76	0	14	77
	77	0	24	90
	78	0	34	10
	83	0	2	60
	78	0	19	15
	83	0	11	75
	82	0	04	92
	84	0	17	20
	86	0	63	65
	Barrren Land	0	03	46
	Total	0	59	36
UN	587	0	20	38
	589	0	23	76
	586	0	38	19
	596	0	15	12
	Cart Track	0	03	69
	579	0	01	09
	580	0	25	31
	581	0	01	16
	579	0	15	47
	572	0	21	77
	571	0	24	38
	Metalled Road	0	02	75
	508	0	27	96
	510	0	30	65
	Cart Track	0	06	58
	493	0	15	00
	492	0	17	90
	491	0	02	70
	483	0	01	31
	490	0	20	40
	483	0	37	07
	485	0	18	24
	484	0	00	03
	Cart Track	0	03	99
	729	0	38	84
	467	0	29	54
	466	0	00	67
	Asphalted Road	0	01	23
	416	0	16	61
	415	0	21	61
	413	0	13	90
	412	0	18	55
	423	0	29	54

State ; Gujarat

Taluk : Kankrej

Dist: Banaskantha

Village	Sl. No. Block No.	Area		
		Hectare	Area	Centiare
1	2	3	4	5
UN	422	0	18	60
	421	0	07	56
	426	0	28	81
	Cart Track	0	03	35
	386	0	25	63
	385	0	28	23
	349	0	59	33
	Cart Track	0	03	44
	327	0	48	93
	325	0	34	96
	324	0	01	18
	307	0	35	18
	309	0	35	18
	308	0	06	54
	310	0	36	75
	Asphalted Road	0	02	63
	258	0	16	77
	257	0	18	71
	256	0	23	06
	260	0	03	66
	252	0	41	94
	251	0	11	94
	249	0	21	86
	Total	10	59	63
Siya	224	0	30	32
	225	0	05	78
	223	0	00	01
	222	0	15	67
	237	0	45	56
	239	0	31	54
	240/1	0	06	66
	214	0	02	15
	241	0	20	40
	242	0	28	56
	Cart Track	0	02	75
	164	0	29	66
	162	0	31	94
	163	0	03	29
	160	0	00	22
	Asphalted Road	0	01	42
	146	0	09	81
	147	0	26	61
	135	0	28	85
	133	0	29	18

State : Gujarat

Taluk : Kankrej

Dist. : Banaskantha

Village	Sr. No.	Block No.	Area		
			Hectare	Are	Centiare
1	2		3	4	5
Siya	130		0	39	93
	131		0	08	39
	Asphalted Road		0	01	86
	129/1		0	15	17
	Banas River		0	26	90
	Total		4	42	63
Odha	Banas River		0	56	62
	5		0	31	21
	Cart Track		0	02	40
	47		0	18	29
	48/1		0	00	02
	48/2		0	24	17
	44		0	27	31
	43		0	13	89
	38		0	21	58
	37		0	00	49
	Asphalted Road		0	01	82
	58		0	43	63
	57/1		0	00	36
	61		0	28	51
	60		0	05	01
	62		0	26	75
	63/1		0	17	80
	63/2		0	16	02
	Cart Track		0	02	73
	88		0	50	94
	81		0	15	07
	82/1		0	06	34
	82/2		0	20	58
	Total		4	31	54
Totana	87		0	20	65
	88		0	00	18
	92		0	26	20
	82		0	23	80
	Cart Track		0	02	36
	77		0	42	50
	78		0	27	07

State : Gujarat

Taluk : Kankrej

Dist. Banaskantha

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centiare
1	2	3	4	5
Totana (contd.)	65	0	28	16
	66	0	62	93
	Asphalted Road	0	01	73
	61	0	17	77
	60	0	17	29
	59	0	33	70
	Total	3	04	34
Khariya	307	0	03	84
	Cart Track	0	01	95
	307	0	04	15
	306	0	33	50
	304	0	30	89
	Cart Track	0	02	51
	300	0	33	82
	298	0	25	26
	296	0	33	36
	295	0	21	76
	293	0	13	03
	291	0	33	42
	Total	2	37	49
Motajampura	303	0	76	91
	Stream	0	08	52
	300	0	41	09
	Stream	0	08	11
	Banas River	0	62	56
	231	1	16	27
	232	1	05	98
	112	2	07	53
	Stream	0	06	30
	219	0	13	45
	216	0	34	12
	215	0	01	04
	210	0	15	54
	Cart Track	0	02	55
	210	0	07	35

Village	Sr. No. Block No.	Area		
		Hactare	Are	Centiare
1	2	3	4	5
Motajampura (Contd.)	209	0	08	35
	206	0	19	71
	208	0	20	85
	200	0	22	08
	199	0	10	74
	198	0	16	10
	112	0	03	40
	197	0	45	88
	196	0	39	48
	167	0	28	63
	Stream	0	02	98
	170	0	30	42
	179	0	28	82
	Total	9	84	76
Kasra	117	0	52	91
	Cart Track	0	02	90
	127	0	55	63
	125	0	14	07
	126	0	17	66
	124	0	00	41
	123	0	53	63
	122	0	19	29
	126	0	17	89
	Total	2	34	39
Amar Nesada	189	0	35	16
	192	0	07	13
	187	0	78	78
	Asphalted Road	0	01	67
	180	0	23	80
	179	0	10	36
	181	0	00	90
	178	0	34	48
	173	0	18	59
	Cart Track	0	04	38
	129	0	36	5
	127	0	04	91
	128/2	0	18	57

1	2	3	4	5
Amar Nesada (contd.)	128/1	0	09	46
	121/1	0	10	53
	Cart Track	0	01	93
	83	0	19	51
	81/1 & 2	0	47	09
	80	0	24	28
	79	0	08	92
	Total	3	96	97

[No. L-14016/4/97/GP]
I.S.N. PRASAD, Dy. Secy.

नई दिल्ली, 9 मार्च, 1998

का.आ. 580.—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि काण्डला, गुजरात राज्य से लोनी, उत्तर प्रदेश तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिये।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन को बिछाने के प्रयोजन के लिये एतदुपाय अतुल्य मूल्य भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित करती है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिये आक्षेप मध्यम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वितीय तब, दर्पण विडिंग, मार.सी. दत्त रोड, बड़ौदा को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कांदला से लोनी तक एल.पी.जी. गैस पाइपलाइन
(लखपत से पाटन अनुभाग)

राज्य : गुजरात

तालुका : पाटन

जिला : महेसाना

गांव	क्रम. सं. ब्लॉक नं.	एरिया		
		हैक्टेयर	आरे	सेंटीमीटर
(1)	(2)	(3)	(4)	(5)
गोलीबाडा	392	0	18	71
	389	0	44	69
	390	0	22	49
	386	0	00	35
कार्ट ट्रेक	423	0	01	65
	424	0	11	46
	422	0	06	23
	422	0	10	82
	425	0	28	71
माइनर कैनल		0	01	70

राज्य : गुजरात		तालुका : पाटन		जिला : मेहसाना	
गाव	क्रम सं. ब्लॉक नं.	एरिया			
		हेक्टेयर.	आरे	सेंटीआरे	
1	2	3	4	5	
गोलो वाडा--जारी	421	0	18	69	
	479	0	07	96	
	440	0	24	05	
	427	0	07	80	
	439	0	35	45	
	438	0	48	30	
	449	0	20	93	
	451	0	26	71	
	201	0	26	26	
	200	0	27	62	
	198	0	00	79	
	कार्ट ट्रैक	0	03	92	
	137	0	00	61	
	138	0	44	76	
	148	0	31	90	
	147	0	25	41	
	146	0	00	30	
	144	0	38	89	
	कार्ट ट्रैक	0	08	22	
	कुल		5	45	38
सांपरा	952	0	45	39	
	949	0	15	00	
	950	0	00	28	
	872	0	03	87	
	873	0	28	68	
	874	0	42	39	
	779	0	29	34	
	कार्ट ट्रैक	0	02	10	
	855	0	41	06	
	856	0	21	63	
	857	0	20	87	
	कार्ट ट्रैक	0	02	23	
	779	0	10	77	
	777	0	18	02	
	782	0	07	80	
	776	0	01	09	
	783	0	12	64	
	784	0	25	61	
	785	0	10	38	

રાજ્ય : ગુજરાત

તાલુકો : પાટણ

જિલ્લો : મેહસાના

ગાંવ	પ્રમ સ. બ્લોક નં.	પરિચા		
		હેક્ટેયર	ઘાંચે	સેંટીગ્રામે
1	2	3	4	5
સાંપરા-જારી	786	0	25	26
	790	0	00	26
	787	0	27	43
	788	0	21	04
	765	0	06	09
	760	0	21	69
	642	0	02	01
	મેટલ્ડ રોડ	0	05	44
	642	0	03	88
	643	0	26	44
	639	0	05	90
	638	0	38	21
	636	0	09	96
	618	0	28	89
	616	0	00	04
	617	0	24	67
	615	0	24	97
	609	0	06	20
	608	0	26	73
	597	0	15	77
	596	0	38	43
	595	0	06	06
	593	0	23	67
	594	0	05	43
	592	0	38	79
	576	0	06	69
	578	0	39	52
	575	0	00	18
	મેટલ્ડ રોડ	0	01	43
	574	0	28	13
	1122	0	00	26
	સ્ટ્રીમ	0	05	06
	577	0	11	35
કુલ		8	65	03
સરિયદ	600	0	00	13
	601	0	25	37
કુલ		0	25	50

राज्य : गुजरात

तालुका : पाटन

जिला : महेसाना

गाव	ग्राम सं. ब्लॉक नं.	एरिया		
		हेक्टेयर	अरारे	सेंटीअरारे
1	2	3	4	5
लोधी	89	3	09	11
	कार्ट ट्रैक	0	02	69
	44	0	17	17
	41	0	10	23
	42	0	37	35
	39	0	49	42
	40	0	23	08
	स्ट्रीम	0	05	51
	कुल	4	54	56
बेलाडा	53	0	25	01
	55	0	16	39
	54	0	34	66
	58	0	10	04
	कार्ट ट्रैक	0	04	02
	67	0	00	39
	66	0	38	76
	69	0	23	96
	70	0	06	04
	71	0	30	25
	चकरिया नदी	0	29	33
	90	0	04	64
	88	0	29	88
	89	0	30	89
	92	0	16	61
	91	0	34	26
	113	0	11	28
	कुल	3	46	40

राज्य : गुजरात

तालुका : पाटन

जिला : मेहसाणा

गांव	ग्राम सं. ब्लॉक नं.	एरिया		
		हेक्टेयर	आरे	सेटीग्रादे
1	2	3	4	5
वधिया	6	0	04	04
	5	0	47	45
	69	0	25	08
	68	0	04	45
	एस्फाल्टेड रोड	0	08	46
	62	0	00	16
	64	0	35	51
	66	0	00	58
	65	0	21	92
	55	0	43	98
	51	0	36	51
	50	0	08	76
	चकरिया नदी	0	21	37
	कुल	2	58	26
कालोगी	125	0	22	25
	124	0	56	86
	122	0	35	79
	123	0	04	35
	120	0	27	28
	118	0	21	31
	117	0	02	66
	116	0	18	27
	कुल	1	88	77

[सं एस—14016/4/97—जी पी.]

आई. एस. एन. प्रसाद, उप सचिव

New Delhi, the 9th March, 1998

S.O. 580.—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Petroleum and Natural Gas from Kandla, Gujarat to Loni, Uttar Pradesh State, pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interest in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., 2nd Floor, Darpan Bldg. R.G. Dutta Rd. Baroda.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

LPG Gas Pipeline from Kandla to Loni

(Lakhpat to Patan Section)

State : Gujarat

Taluk : Patan

Dist. Mahesana

Village	Sr. No. Block No.	Area		
		Hactare	Are	Centiare
1	2	3	4	5
Goliwada	392	0	18	71
	389	0	44	69
	390	0	22	49
	386	0	00	35
	Cart Track	0	01	65
	423	0	11	46
	424	0	06	23
	422	0	10	82
	425	0	28	71
	Minor Canal	0	01	70
	421	0	18	69
	479	0	07	96
	440	0	24	05
	427	0	07	80
	439	0	35	45
	438	0	48	30
	449	0	20	93
	451	0	26	71
	201	0	26	26
	200	0	27	62
	198	0	00	79
	Cart Track	0	03	92
	137	0	00	61
	138	0	44	76
	148	0	31	90
	147	0	25	41
	146	0	00	30
	144	0	38	89
	Cart Track	0	08	22
Total		5	45	38

State : Gujarat		Taluk : Patan		Distt	Mehesana
Village	Sr. No. Block No.	Area			
		Hectare	Area	Centiare	
1	2	3	4	5	
Sapra	952	0	45	39	
	949	0	15	00	
	950	0	00	28	
	872	0	03	87	
	873	0	28	68	
	874	0	42	39	
	779	0	29	34	
	Cart Track	0	02	10	
	855	0	41	06	
	856	0	21	63	
	857	0	20	87	
	Cart Track	0	02	23	
	779	0	10	77	
	777	0	18	02	
	782	0	07	80	
	776	0	01	09	
	783	0	12	64	
	784	0	25	61	
	785	0	10	38	
	786	0	25	26	
	790	0	00	26	
	787	0	27	43	
	788	0	21	04	
	765	0	06	09	
	760	0	21	69	
	642	0	02	01	
	Metalled Road	0	05	44	
	642	0	03	88	
	643	0	26	44	
	639	0	05	90	
	638	0	38	21	
	636	0	09	96	
	618	0	28	89	
	616	0	00	04	
	617	0	24	67	
	615	0	24	97	
	609	0	06	20	
	608	0	26	73	
	597	0	15	77	
	596	0	38	43	
	595	0	06	06	
	593	0	23	67	
	594	0	05	43	
	592	0	38	79	
	576	0	06	69	
	577	0	11	35	
	578	0	39	52	
	575	0	00	18	
	Metalled Road	0	01	43	
	574	0	28	13	
	1122	0	00	26	
	Stream	0	05	06	
Total		8	65	03	

State : Gujarat

Taluk : Patan

Dist. Mahesana

Village	Sr. No. Block No.	Area		
		Hectare	Area	Centiare
1	2	3	4	5
Sariyad	600	0	00	13
	601	0	25	37
	Total	0	25	50
Lodhi	89	3	06	11
	Cart Track	0	02	69
	44	0	17	17
	41	0	10	23
	42	0	37	35
	39	0	49	42
	40	0	23	08
	Stream	0	05	51
	Total	4	54	56
Veleda	53	0	25	01
	55	0	16	39
	54	0	34	66
	58	0	10	04
	Cart Track	0	04	02
	67	0	00	39
	66	0	38	76
	69	0	23	96
	70	0	06	04
	71	0	30	25
	Chekeria River	0	29	33
	90	0	04	64
	88	0	29	88

State : Gujarat

Taluk : Patan

Dist. Mahesana

Village	Sr. No. Block No.	Area		
		Hactare	Arc	Centiare
1	2	3	4	5
Veloda (contd.)	89	0	30	89
	92	0	16	61
	91	0	34	26
	113	0	11	27
	Total	3	46	40
Vadiya	6	0	04	04
	5	0	47	45
	69	0	25	08
	68	0	04	45
	Asphlated Road	0	08	46
	62	0	00	16
	64	0	35	51
	66	0	00	58
	65	0	21	02
	55	0	43	98
	51	0	36	51
	50	0	08	75
	Chekeria River	0	21	37
	Total	2	58	26
Kalogi	125	0	22	25
	124	0	56	86
	122	0	35	79
	123	0	04	35
	120	0	27	28
	118	0	21	31
	117	0	02	66
	116	0	18	27
	Total	1	88	77

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 26 फरवरी, 1998

का.आ. 581.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (क) के अनुसरण में तथा हरियाणा सरकार के परामर्श से केन्द्रीय सरकार ने डा. पी. एल. जिन्दल, स्वास्थ्य सेवा महा निदेशक, हरियाणा, एस.सी.ओ. नं. 35-37, सेक्टर 7 सी, चंडीगढ़ का इस अधिसूचना के जारी होने की तारीख से भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में नामांकन किया है।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) के प्रावधानों के अनुसरण में भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना संख्या का.आ. 138 तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, नामतः:

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खण्ड (क) के अधीन निर्वाचित शीर्षक" के अधीन क्रम संख्या 18 और उस संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएंगी नामतः—

"16. डा. पी. एल. जिन्दल
स्वास्थ्य सेवा महा निदेशक
हरियाणा, एस.सी.ओ. नं. 35-37,
सेक्टर 7-सी, चंडीगढ़

[सं. बी-11013/17/97-एमई (यू.जी)]

एस. के. मिश्रा, डीस्क अधिकारी

पाद टिप्पणी :—मूल अधिसूचना भारत के राजपत्र में अधिसूचना सं. का.आ. 138 तारीख 9 जनवरी, 1960 द्वारा प्रकाशित की गई थी।

MINISTRY OF HEALTH AND
FAMILY WELFARE

(Department of Health)

New Delhi, the 26th February, 1998

S.O. 581.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Haryana have nominated Dr. P. L. Jindal, Director General Health Services, Haryana, S.C.O. No. 35-37, Sector 7 C, Chandigarh to be

a member of Medical Council of India from the date of issue of this notification;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health, No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading, "Nominated under clause (a) of sub-section (1) of section 3" for serial number 16 and the entries relating thereto, the following shall be substituted, namely :—

16. Dr. P. L. Jindal,
Director General Health Services,
Haryana, S.C.O.,
No. 35-37, Sector 7-C,
Chandigarh.

[No. V. 11013/17/97-ME(UG)]
S. K. MISHRA, Desk Officer

FOOTNOTE :—The principal notification was published in the Gazette of India, vide notification number S.O. 138, dated the 9th January, 1960.

नई दिल्ली, 26 फरवरी, 1998

का. आ. 582.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 7 की उपधारा 4 के साथ पठित धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में डा० पी० आर० सोमवंशी, संयुक्त हास्पिटल भवन विद्यापीठ रोड कैम्प, अमरावती को 24-11-2000 तक भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में 22 नवम्बर, 1997 को अमरावती सीनेट द्वारा चयन किया गया है।

अतः उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार तत्कालीन स्वास्थ्य और परिवार कल्याण मंत्रालय में भारत सरकार के दिनांक 9 जनवरी, 1960 की अधिसूचना सं० का० आ० 138 में अब एतद्वारा और निम्नलिखित संशोधन करती है; अर्थात् :—

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित शीर्षक के अंतर्गत क्रम संख्या

67 तथा उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित कम सं० और प्रविष्टियां दर्ज की जाएंगी, अर्थात्:—

“67 डा० पी० आर० सोमवंशी, अमरावती विश्वविद्यालय
सीनेट सदस्य,
अमरावती विश्वविद्यालय,
संयुक्त हॉस्पिटल भवन,
विद्यापीठ रोड, कैम्प,
अमरावती—444602”

[सं० दी० 11013/18/97-एम० ई० (यू जी)]
एम० के० मिश्रा, डेस्क अधिकारी

पादटिप्पण—मूल अधिमूचना भारत सरकार के का.आ.
138 के तहत दिनांक 9-1-1960 की प्रकाशित की गई थी।

New Delhi, the 26th February 1998

S.O. 582.—Whereas in pursuance of clause (b) of sub-section (1) of section 3, read with sub-section 4 of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. P.R. Somwanshi, Samyukta Hospital Building, Vidyapeeth Road Camp, Amaravati has been elected on 22nd November, 1997 by Senate of Amravati University to be a member of the Medical Council of India upto 24-11-2000.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the then Ministry of Health No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial No. 67 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

“67. Dr. P. R. Somvanshi, Amravati University.”
Member of Senate,
Amravati University
Samyukta Hospital Building,
Vidyapeeth Road, Camp,
Amravati-444602.

[No. V. 11013/18/97-ME(UG)]
S.K. MISHRA, Desk Officer

FOOTNOTE :—The principal notification was published in the Gazette of India vide S.O. No. 138 dated 9-1-1960.

खाद्य और उपभोक्ता मामले मंत्रालय

(खाद्य और नागरिक पूर्ति विभाग)

नई दिल्ली, 11 फरवरी, 1998

का० आ० 583.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम (4) के अनुसरण में, खाद्य और उपभोक्ता मामले मंत्रालय (खाद्य और नागरिक पूर्ति विभाग) के प्रशासनिक नियंत्रणाधीन केन्द्रीय भण्डारण निगम के निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारी-बृन्द ने हिन्दी का कार्यासाध्य ज्ञान प्राप्त कर लिया है, को अधिमूचित करती है :—

1. केन्द्रीय भण्डारण निगम,
“वेअरहाउसिंग सदन”, पहली मंजिल,
गांधी भवन के पीछे,
पो० बा० नं० 34, नामपल्ली,
हैदराबाद-500001

[संख्या : ई-11011/2/96-हिन्दी]
सविता आनन्द, निदेशक (प्रशासन)

MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Food and Civil Supplies)

New Delhi, the 11th February, 1998

S.O. 583.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following office of Central Warehousing Corporation under the administrative control of the Ministry of Food & Consumer Affairs (Department of Food & Civil Supplies), whereof more than 80 per cent of staff have acquired the working knowledge of Hindi :—

Central Warehousing Corporation,
‘Warehousing Sadan’ (1st Floor).
Behind Gandhi Bhawan,
P.B. No. 34, Nampally,
HYDERABAD-500001.

[No. E-11011/2/96-Hindi]

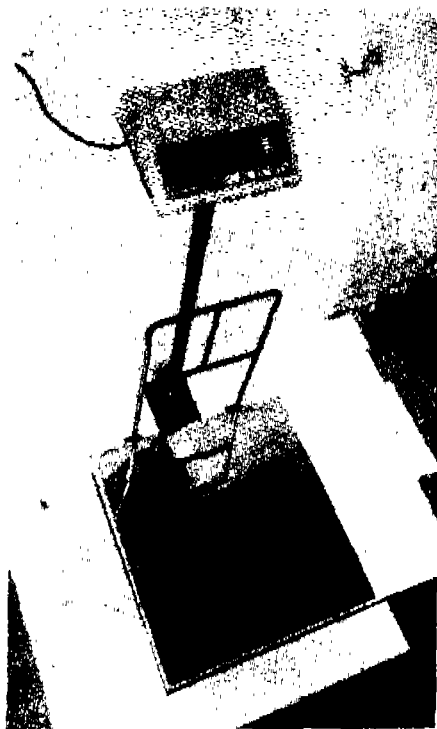
SAVITA ANAND, Director (Admn.)

नई दिल्ली, 6 मार्च, 1998

का. आ. 584.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए (मध्यम) यथार्थता वर्ग 3 की “एस पी एस” सिरीज के “सुजुकी” ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित इलेक्ट्रॉनिक प्लेटफार्म टोलन मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स सुजुकी इलेक्ट्रॉनिक्स, 990-1 डी. जी. आई. डी. सी. इस्टेट, मकरपुरा, बड़ौदा-390010 द्वारा किया गया है और अनुमोदन चिह्न आई. एन. डी./09/97/22 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।

माडल (आकृति में दिया गया) एक मध्यम यथार्थता (यथार्थता वर्ग 3) का टोलन उपकरण है जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 400 ग्राम है। स्थापन भापमान अन्तर (ई) 20 ग्राम है। इसमें एक टैयर युक्त है जिसका व्यकलनात्मक प्रतिधारण टैयर प्रभाव 100 प्रतिशत है। भारग्राही आयातकार सैक्शन का है जिसका आकार 600×550 मि. मी. है। प्रकाश उत्सर्जन डायोड संप्रवर्श टोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 30 कि. ग्रा./5 ग्राम या 10 ग्रा., 50 कि. ग्रा./5 ग्रा. या 10 ग्राम, 100 कि. ग्रा./10 ग्रा., 110 कि. ग्रा./20 ग्रा., 200 कि. ग्रा./20 ग्रा. या 50 ग्रा., 300 कि. ग्रा./50 ग्राम या 100 ग्राम, 500 कि. ग्रा./100 ग्राम या 200 ग्राम, 1 ट/100 ग्राम या 200 ग्रा., 2 ट/200 ग्राम या 500 ग्राम और 3 ट/500 ग्राम की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले टोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू एम-21(17)/96]

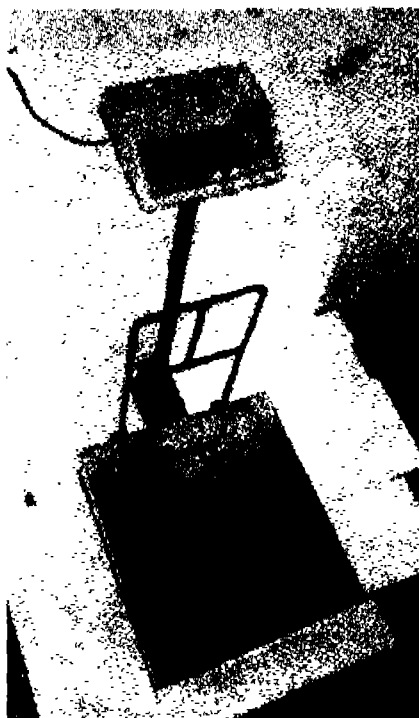
राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 6th March, 1998

S.O. 584.—Whereas, the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic platform weighing machine of "SPS" series of class III (Medium) accuracy with brand name "SUZUKI" (hereinafter referred to as the Model) manufactured by M/s Suzuki Electronics, 990, -1D, G.I.D.C. Estate, Makarpura, Baroda-390010, and which is assigned the approval mark IND/09/97/22;

The Model (given in the figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 100 kg. and minimum capacity of 400 g. The verification scale interval (e) is 20 g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of size 600×550 millimetre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of that section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 30 kg/5 g or 10 g, 50 kg/5 g or 10 g, 100 kg/10 g, 110 kg/20 g, 200 kg/20 g or 50 g, 300 kg/50 g or 100 g, 500 kg/100 g or 200 g, 1t/100 g or 200 g, 2t/200 g or 500 g and 3 t/500 g, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured

[F. No. WM 21(17)/96]

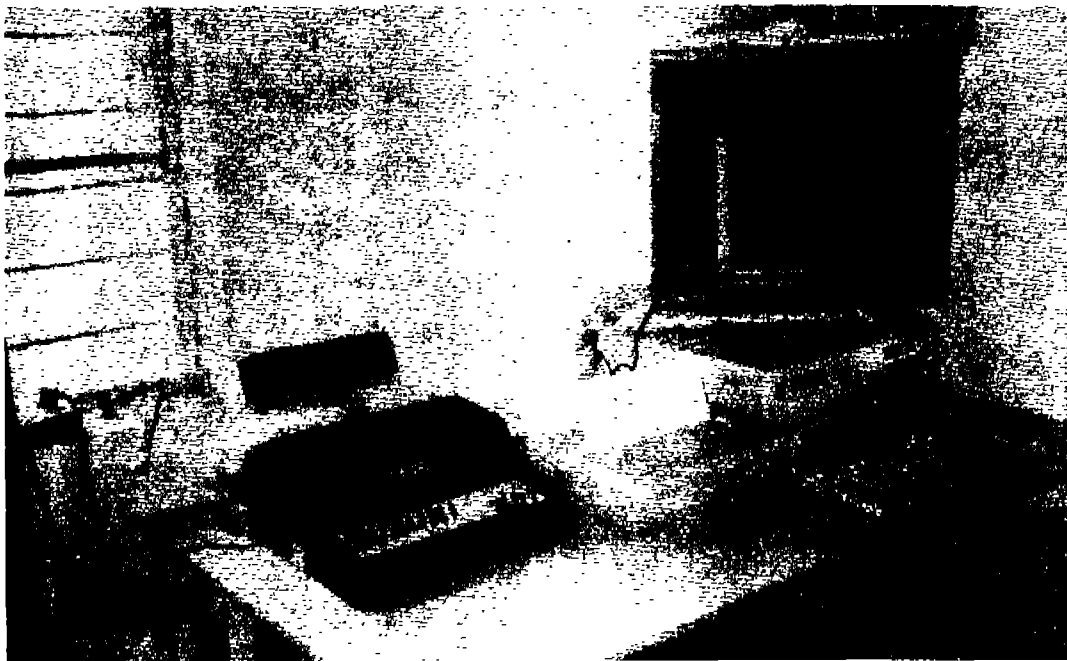
RAJIV SRIVASTAVA, Addl. Secy.

नई दिल्ली, 6 मार्च, 1998

का. आ. 585.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि यह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए (मध्यम) यथार्थता वर्ग 3 की "एस डब्ल्यू एस" सिरीज के "सुजुकी" ब्रांड नाम वाले स्वतः संचक गैर-स्वचालित इलेक्ट्रॉनिक तुला चौकी के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स सुजुकी इलेक्ट्रॉनिक्स, 990-1 डी. जी. आई. डी. सी. इस्टेट, मकरपुरा, बड़ौदा-390010 द्वारा किया गया है और जिसे अनुमोदन बिह्न आई. एन. डी./09/97/23 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।

माडल (आकृति में दिया गया) एक मध्यम यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 30000 किलोग्राम और न्यूनतम क्षमता 100 कि.ग्राम है। स्थापन मापमान अन्तर (ई) 5 कि.ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टैयर प्रभाव 100 प्रतिशत है। आधार और प्लेटफार्म मृदु इस्पात के हैं। भारग्राही आयातकार सैक्शन का है जिसका आकार 7.5x3 मीटर है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 5ट/1 कि.ग्राम 10ट/2 कि.ग्राम, 20ट/5 कि.ग्राम, 25ट/5 कि.ग्राम, 40ट/10 कि.ग्राम, 50ट/20 कि.ग्राम, 60ट/20 कि.ग्राम और 100ट/20 कि.ग्राम की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू एम-21(17)/96]

राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 6th March, 1998

S.O. 585.—Whereas, the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the Said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, electronic weighbridge of "SWS" series of class III (Medium) accuracy with brand name "SUZUKI" (hereinafter referred to as the Model) manufactured by M/s Suzuki Electronics, 990, -1D, G.I.D.C. Estate, Makarpura, Baroda-390010, and which is assigned the approval mark IND/09/97/23;

The Model (given in the figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 30000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of size 7.5×3 metre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by Sub-section (12) of that Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 5t/1kg, 10t/2kg, 20t/5kg, 25t/5kg, 40t/10kg, 50t/20kg, 60t/20kg and 100t/20kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM 21(17)/96]

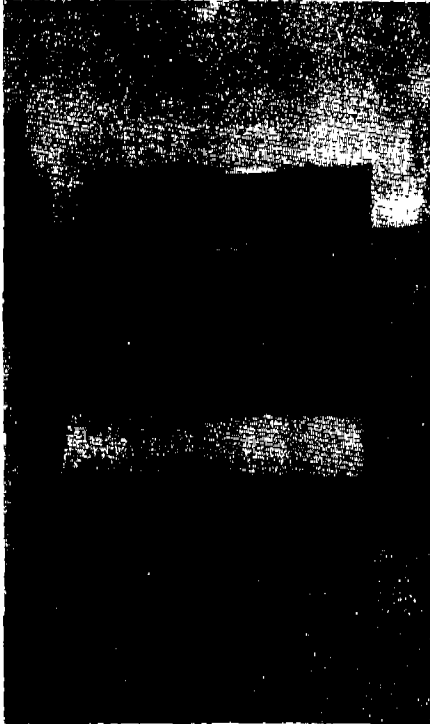
RAJIV SRIVASTAVA, Addl. Secy.

नई दिल्ली, 6 मार्च, 1998

का. आ. 586.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए (मध्यम) यथार्थता वर्ग 3 की "एस डबल्यू एस" सिरिज के "सुजुकी" ब्रांड नाम वाले यांत्रिक तुला चौकियों का अंकीय संप्रदर्श वाले यंत्रों में रूपांतरण करने के लिए स्वतः सूचक गैर-स्वचालित इलेक्ट्रॉनिक सूचक के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स सुजुकी इलेक्ट्रॉनिक्स, 990-1 डी, जी. आई. डी. सी. इस्टेट, मकरपुरा, बड़ौदा-390010 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./09/97/24 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र प्रकाशित करती है।

माडल (आकृति में दिया गया) एक मध्यम यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 25000 किलोग्राम और न्यूनतम क्षमता 100 कि. ग्रा. है। स्थापन मापमान अन्तर (ई) 5 कि. ग्रा. है। भारग्राही आयातकार सैक्शन का है जिसका आकार 6.6×3 मीटर है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र, के अंतर्गत उम्मी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 5ट/1 कि.ग्राम, 10ट/2 कि.ग्रा., 20ट/5 कि.ग्रा., 30ट/5 कि.ग्रा., 40ट/10 कि.ग्रा., 50ट/20 कि.ग्राम, 60ट/20 कि.ग्रा. और 100ट/20 कि.ग्राम की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरिज के कार्यकारण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू एम-21(17)/96]

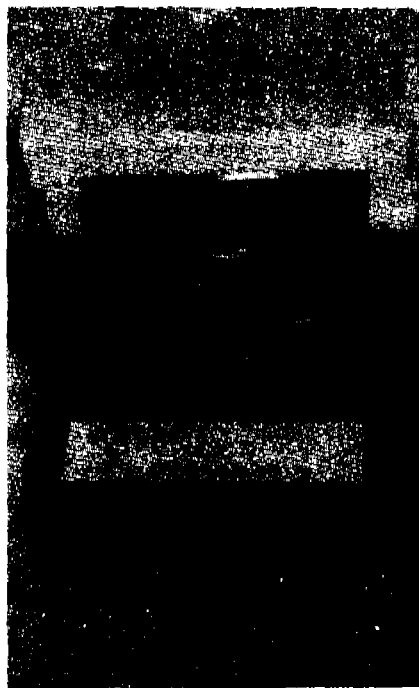
राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 6th March, 1998

S.O. 586.—Whereas, the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, electronic indicator for converting the mechanical weighbridges into machines with digital display of "SWS" series of class III (Medium) accuracy with brand name "SUZUKI" (hereinafter referred to as the Model) manufactured by M/s. Suzuki Electronics, 990,-1D, G.I.D.C. Estate, Makarpura, Baroda-390010, and which is assigned the approval mark IND/09/97/24;

The Model (given in the figure) is was fixed to a mechanical weighbridge of medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 25000kg and minimum capacity of 100kg. The verification scale interval (e) is 5 kg. The load receptor is of rectangular section of size 6.6×3 metre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of that section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 5t/1kg, 10t/2kg, 20t/5kg, 30t/5kg, 40t/10kg, 50t/20kg, 60t/20kg and 100t/20kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(17)/96]

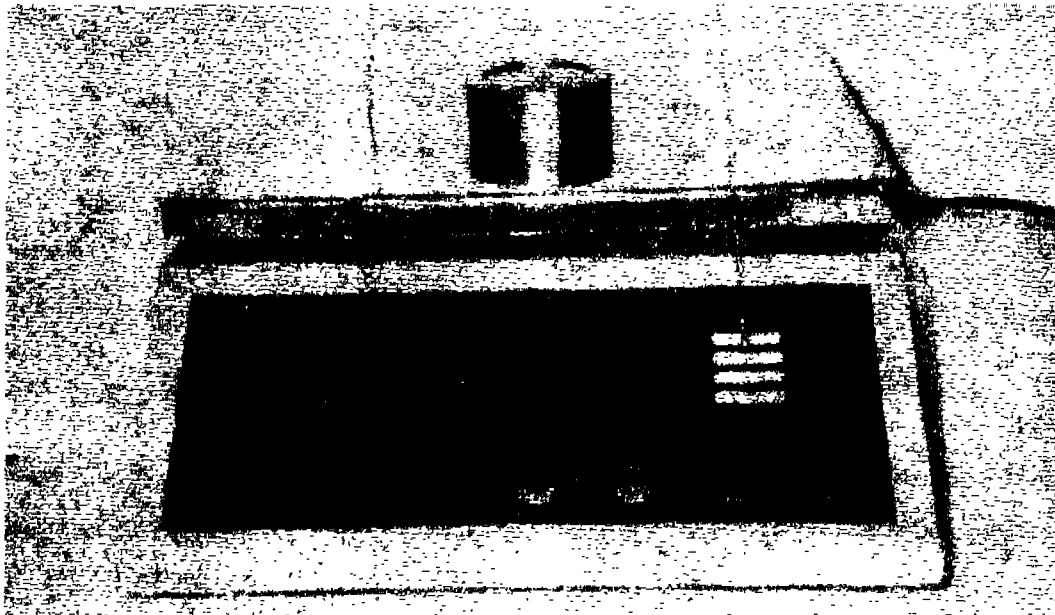
RAJIV SRIVASTAVA, Addl. Secy.

नई दिल्ली, 6 मार्च, 1998

का. आ. 587.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए (मध्यम) यथार्थता वर्ग 3 की "एस टी एस" सिरिज के "सुजुकी" ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित इलेक्ट्रॉनिक टेबल टॉप तोलन मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स सुजुकी इलेक्ट्रॉनिक्स, 990-डी. जी. आई. डी. सी. इस्टेट, मकरपुरा, बड़ौदा-390010 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./09/97/21 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।

माडल (आकृति में दिया गया) एक मध्यम (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अन्तर (ई) 2 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयातकार सैक्शन का है जिसका आकार 230×270 मि. मी. है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 1 कि.ग्राम/0.1 ग्राम या 0.2 ग्राम., 2 कि.ग्राम/0.2 ग्राम या 0.5 ग्राम., 5 कि.ग्राम/0.5 ग्राम या 1 ग्राम., 10 कि.ग्राम/1 ग्राम., 12 कि.ग्राम/2 ग्राम., 15 कि.ग्राम/2 ग्राम., 20 कि.ग्राम/2 ग्राम या 5 ग्राम. और 30 कि.ग्राम/5 ग्राम या 10 ग्राम. की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरिज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू एम-21(17)/96]

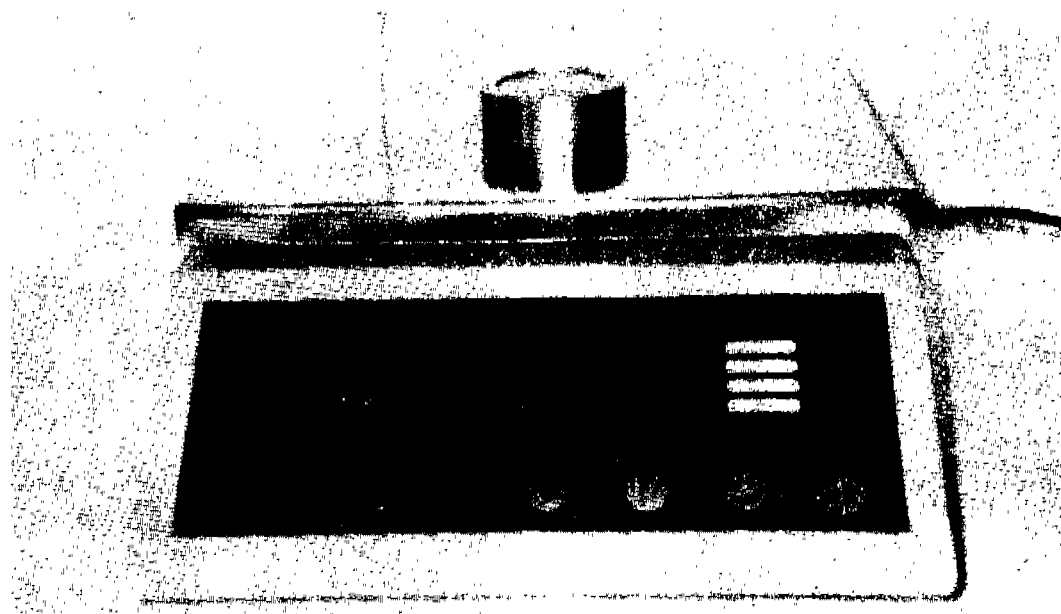
राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 6th March, 1998

S.O. 587.—Whereas, the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, electronic table top weighing machine of "STS" series of class III (Medium) accuracy with brand name "SUZUKI" (hereinafter referred to as the Model) manufactured by M/s Suzuki Electronics, 990-1D, G.I.D.C. Estate, Makarpura, Baroda-390010, and which is assigned the approval mark IND/09/97/21;

The Model (given in the figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 10kg and minimum capacity of 40g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of size 230×270 millimetre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of that section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 1kg/0.1g or 0.2g, 2 kg/0.2kg or 0.5g, 5kg/0.5 or 1g, 10kg/1g, 12kg/2g, 15kg/2g, 20kg 2g or 5g, and 30kg/5g or 10g, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(17)/96]

RAJIV SRIVASTAVA, Addl. Secy.

श्रम मंत्रालय

नई दिल्ली, 19 फरवरी, 1998

का.आ. 588—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया, मद्रास के प्रबन्धनत्व के मध्यस्थ नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, तमिलनाडु, चेन्नई के पंचपट को प्रकाशन करती है, जो केन्द्रीय सरकार को 19-2-98 को प्राप्त हुआ था।

[संख्या: एल-12011/39/95-आई.आर. (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 19th February, 1998

S.O. 588.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamilnadu, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Madras and their workman, which was received by the Central Government on the 19-2-98.

[No. L-12011/39/95-IR(B. I)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMILNADU, CHENNAI

Wednesday, the 7th day of January, 1998

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L.,
Industrial Tribunal.

INDUSTRIAL DISPUTE NOS. 104 OF 1996
AND 10 OF 1997

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of State Bank of India, Madras-1).

BETWEEN

The Workmen represented by
The General Secretary,
State Bank Employees Union,
P.B. 1548,
Madras-600001.

AND

The Assistant General Manager,
State Bank of India,
Local Head Office,
Madras-600001.

REFERENCE :

In I.D. 104/96 : Order No. L-12011/39/95-IR (B-I), dt. NIL, Ministry of Labour, Government of India, New Delhi.

In I.D. 10/97 : Order No. L-12011/39/95-IR (B-1), dt. NIL, Ministry of Labour, Government of India, New Delhi. (This I.D. 10/97 was merged with I.D. 104/96 as per order of this Tribunal dated 11-4-97).

This dispute coming on this day for final hearing upon perusing the reference, claim statement and all other material papers on record and upon hearing of Thiru V. S. Ekambaram, the General Secretary of the Petitioner-Union in both the disputes and the Respondent-Management being absent and set exparte, this Tribunal passed the following common.

AWARD

This reference has been made for adjudication of the following issue :

“Whether the action of the Management of State Bank of India, Madras is not treating the period from date of termination to date of reinstatement for continuity of service in respect of Shri A. Perumal is legal and justified? If not, to what relief is the workman entitled?”

Counter not filed. Respondent set exparte. W.W. 1 examined. Ex. W. 1 and W.2 marked. Claim proved. Award passed as claimed for.

Dated, this 7th day of January, 1998.

THIRU S. ASHOK KUMAR, Industrial Tribunal

WITNESS EXAMINED

For Workmen :

W.W. 1—Thiru V. S. Ekambaram.

For Management : None.

DOCUMENTS MARKED

For Workmen :

Ex. W. 1/8-2-82—Award of the Industrial Tribunal in I.D. 61/91 (Gazette copy).

Ex. W. 2/19-7-90—Judgment of Madras High Court in W.A. No. 494/1986 (Xerox copy).

नई दिल्ली, 19 फरवरी, 1998

का.आ. 589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दुर्गराजनांदगांव-ग्रामीण बैंक, म.प्र. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट, जबलपुर (एम पी.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-98 को प्राप्त हुआ था।

[संख्या एल-12012/32/88-डी-1 (बी)/बी-1]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 19th February, 1998

S.O. 589.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Durg-Rajnand Gaon Gramin Bank, M.P. and their workman, which was received by the Central Government on 19-2-98.

[No. L-12012/32/88-D.I(B)/B.I.]
P. J. MICHAEL, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर म.प्र.

डी. एन. दीक्षित पीठासीन अधिकारी

प्र.क्र.—सीजी आई टी/एलसी/आर/15/90

श्री मीना राम पटेल

सुपुत्र श्री प्रन सिंह

विकास खंड धामदा,

डाकघर गोधा

जिला दुर्ग-491001 (म.प्र.)

वि०

अध्यक्ष,

दुर्ग-राजनांदगांव-ग्रामीण बैंक,

एम. पी. हाउसिंग बोर्ड शापिंग सेंटर,

जिला राजनांदगांव-494411 (म.प्र.)

... प्रार्थी

... प्रतिप्रार्थी

अवार्ड

दिनांकित : 10-02-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या : एल-12012/32/88-डी. 1(बी) दिनांकित 1-1-90 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :—

SCHEDULE

"Whether the action of the management of Durg-Rajanandagaon Gramin Bank in terminating the services of Shri Meena Ram Patel, daily wage Messenger w.c.f. 30-1-88 without terminal benefits under the provisions of the Industrial Disputes Act, 1947 and not considering him for permanent absorption in the bank is legal and justified? If not, to what relief the workman concerned is entitled?"

2. श्रमिक के अनुसार यह दुर्ग-राजनांद गांव ग्रामीण बैंक की गोधा शाखा में मेनेजर के पद पर दिनांक 13-5-85 को नियुक्त किया गया। इस दिनांक से दिनांक 30-1-88 तक श्रमिक ने लगातार इस पद पर कार्य किया। दिनांक 30-1-88 को श्रमिक को अचानक बगैर नोटिस दिए बैठा दिया गया। श्रमिक के विरुद्ध कोई जांच नहीं की गई। उसे सेवामुक्ति का नोटिस और हजाने की राशि भी नहीं दी गई। श्रमिक के स्थान पर एक अन्य व्यक्ति को फरवरी, 88 से उसी पद पर नियुक्त किया गया। प्रबंधन का यह कहना है कि श्रमिक की आयु नियुक्ति के समय 30 वर्ष थी, इस कारण उसे सेवा में नहीं रखा जा सकता, यह तर्क बनावटी है और अपनी बचत के लिए प्रबंधन ने गड़ लिया है। श्रमिक चाहता है कि उसे पुनः मेनेजर के पद पर नियुक्त किया जाए तथा बकाया वेतन और अन्य मुविधान दी जाए।

3. प्रबंधन के अनुसार उनकी गोधा शाखा में अस्थायी रूप से श्रमिक को दैनिक वेतन पर नियुक्त किया गया था। बैंक में मेनेजर के पद पर नियुक्ति हेतु नियम बनाए गए हैं, इसमें यह प्रावधान है कि नियुक्ति दिनांक को श्रमिक की आयु 26 वर्ष से ज्यादा नहीं होनी चाहिए तथा उसे दर्जा-8 तक शिथिल होना चाहिए। श्रमिक के पास ये दोनों अर्हता नहीं थी, इसी कारण उसे सेवा मुक्त किया गया। श्रमिक की नियुक्ति रोजगार कार्यालय के माध्यम से नहीं की गई थी तथा बैंक के नियमों के विपरीत उसे रखा लिया गया था। इस आधार पर भी उसे नियुक्ति की पात्रता नहीं थी। श्रमिक अस्थायी रूप से 5-रुपये प्रतिदिन के हिसाब से अंशकालीन समय के लिए नियुक्त किया गया था। इस कारण उसे नियमित पद की पात्रता नहीं है। जो कार्य श्रमिक करना था, उसके लिए पूर्णकालीन श्रमिक की आवश्यकता नहीं है। प्रबंधन चाहता है कि श्रमिक का आरेदन निरस्त किया जाए।

4. प्रथम विचारणीय प्रश्न यह है कि क्या श्रमिक को अस्थायी रूप से अंशकालीन समय के लिए रखा गया था। प्रबंधन की ओर से श्री संजय कदम बैंक के मैनेजर का शपथपत्र प्रस्तुत किया गया है, जिसमें बतलाया गया है कि श्रमिक को बैंक की सफाई और पानी भरने के कार्य के लिए 5 रुपये प्रतिदिन पर नियुक्त किया गया था। श्रमिक ने अपने शपथपत्र में स्वीकार किया है कि उसे दैनिक वेतन भोगी के रूप में नियुक्त किया गया था। इस प्रकार श्रमिक को 5 रुपये प्रतिदिन मजदूरी पर अस्थायी रूप से रखा गया था।

5. श्रमिक ने अपने शपथपत्र में उल्लेख किया है कि वर्ष 1987 में उसने 284 दिन काम किया। इस संबंध में कोई भी लेख श्रमिक ने प्रस्तुत नहीं किया। श्री कदम से प्रतिपरीक्षण में भी यह तथ्य नहीं पूछा गया। इस तथ्य का उल्लेख स्टेटमेंट ऑफ क्लेय में भी नहीं है। श्रमिक यह सिद्ध करने में असफल रहा कि उसने वर्ष 87 में 284 दिन काम किया है। यह तथ्य सिद्ध नहीं होने से श्रमिक को सेवा समाप्ति पर नोटिस और हजाने की पात्रता नहीं रहेगी।

6. वित्त मंत्रालय, भारत सरकार ने पत्र दिनांक 8-10-84 के द्वारा, जिसकी फोटो प्रति प्रदर्श-एम-2 है, यह निर्धारित किया है कि मैसेजर को 8 वीं कक्षा पास होना आवश्यक है और नियुक्ति के समय उनकी आयु 18 से 26 वर्ष के बीच होना आवश्यक है। श्री मंजय कदम के शपथ-पत्र में यह कहा गया है कि श्रमिक ने नियुक्ति के समय अपनी जन्म तिथि 5-4-55 बताई थी, यही बात श्रमिक ने अपने शपथ-पत्र में न्यायालय में बही। जिस दिन श्रमिक को सेवा में लिया गया, उस दिन उसकी आयु करीब 30 वर्ष थी। श्रमिक 30 वर्ष की आयु में दैनिक की सेवा में नियुक्त नहीं किया जा सकता था।

7. श्रमिक ने अपने शपथ-पत्र में यह नहीं कहा है कि वह दर्जा-8 जिस दिन उसे नौकरी दी गई, पास था। दर्जा-8 पास होने का कोई प्रमाण-पत्र श्रमिक ने न्यायालय में प्रस्तुत नहीं किया। इस प्रकार श्रमिक को शैक्षणिक योग्यता के आधार पर भी कोई पात्रता मैसेजर के पद पर कार्य करने की नहीं थी।

8. ऊपर लिखी विवेचना का निष्कर्ष यह है कि श्रमिक निर्धारित आयु सीमा के अंदर नहीं था और उसकी निर्धारित शैक्षणिक योग्यता भी नहीं थी। श्रमिक की नियुक्ति रोजगार कार्यालय के माध्यम से नहीं हुई थी। श्रमिक की नियुक्ति के लिए चयन सर्गिति का गठन नहीं किया गया था। उसे नियुक्ति पत्र भी नहीं दिया गया था। श्रमिक का डाक्टरी परीक्षण भी नहीं किया गया था। इन सभी बातों का एक ही निष्कर्ष है कि श्रमिक को अस्थाई रूप से अंशकालीन श्रमिक रखा गया था तथा उसे नियमित होने का अधिकार नहीं है।

9. अवार्ड दिया जाता है कि श्रमिक को स्थाई नौकरी पाने की पात्रता नहीं है। दोनों पक्ष इस प्रकरण का अपना-अपना ध्येय बटन करें।

10. नियमानुसार अवार्ड की प्रतियां भारत सरकार, श्रम मंत्रालय को प्रेषित की जाती है।

डी० एन० दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 19 फरवरी, 1998

का०आ० 590 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक, एम०पी० के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कम-लेबर-कोर्ट, जबलपुर (एम०पी०) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-98 को प्राप्त हुआ था।

[संख्या एल-12012/258/88-डी-3(ए)/बी० 1]

पी०जे० माईकल, डेस्क अधिकारी

New Delhi, the 19th February, 1998

S.O. 590.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhartiya State Bank, M.P. and their workman, which was received by the Central Government on 19-2-98.

[No. L-12012/258/88-D-3(A)/B.I.]
P. J. MICHAEL, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, जबलपुर
म०प्र०

डी०एन० दीक्षित

पीठासीन अधिकारी

प्र०क्र० सीजीआईटी/एलसी/(आर) (66)/89

डिप्टी जनरल सेक्रेटरी,
स्टेट बैंक ऑफ इंडिया स्टाफ कांग्रेस (इंटक)
5/235, प्रगति स्टेट बैंक स्टाफ कालोनी,
विकासनगर, जबलपुर (मप्र)
वि०

प्रार्थी

क्षेत्रीय प्रबंधक,
भारतीय स्टेट बैंक, क्षेत्र-एक,
शंकर नगर, रायपुर-492 001 (मप्र)

प्रतिप्राथी

अवार्ड

दिनांकित 21-01-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश सं० एल-12012/258/88-डी-3(ए) दिनांकित 3-3-89 द्वारा निम्नलिखित विवाद निराकरण हेतु इस न्यायाधिकरण को प्रेषित किया है :—

अनुसूची

SCHEDULE

"Whether the action of the State Bank of India Region-I, Raipur in not allowing Shri Wali Khan, Clerk-cum-Typist to continue as Telex Operator w.e.f. 1-9-1987 at Raipur Main Branch is justified? If not, to what relief is the workman entitled?"

2. श्रमिक श्री वली खान के अनुसार वे भारतीय स्टेट बैंक की रायपुर शाखा में वर्ष 87 में क्लर्क-कम-टाइपिस्ट के पद पर कार्यरत थे। इस शाखा में दिनांक 21-8-87 को टेलेक्स मशीन लगी। इस मशीन को चलाने के लिए निर्धारित अर्हता यह थी कि स्थाई वरिष्ठ टाइपिस्ट इस पर काम करे। मशीन लगने के दिन केवल श्री वली खान ही इस पद के लिए योग्य थे। मशीन लगने के दिनांक से 31-8-87 तक श्रमिक ने टेलेक्स ऑपरेटर के पद पर कार्य किया। इस पद का विशेष वेतन रुपये 325/- प्रतिमाह की दर से श्रमिक को दिया गया। दिनांक 1-9-97 को

इस शाखा में श्री जे०एस० माहेश्वरी को स्थानान्तरण पर भेजा गया और इस दिनांक को यह कहकर इनको टेलिक्स आपरेटर का पद दिया गया कि वे सबसे वरिष्ठ थे। श्री माहेश्वरी की पदस्थापना दुर्भाग्यवश से इस शाखा में की गई थी। जिस दिन टेलिक्स मशीन लगी। उस दिन सबसे वरिष्ठ स्थाई टाइपिस्ट श्री बलीखान थे। ऐसी स्थिति में उनको ही टेलिक्स आपरेटर के पद पर कार्य करना था। श्री बलीखान को हटाकर इस पद पर श्री माहेश्वरी को नियुक्त करना अनुचित और नियमों के विपरीत है। श्रमिक श्री बलीखान चाहते हैं कि यह घोषित किया जाए कि दिनांक 1-9-87 से वे अभी तक इस पद पर कार्यरत हैं तथा इस अवधि का विशेष भत्ता पाने के अधिकारी हैं।

3. प्रबंधन स्टेट बैंक ऑफ इंडिया, मंकरनगर शाखा, रायपुर के अनुसार टेलिक्स आपरेटर का कोई पद इसके मुख्य शाखा रायपुर में नहीं है जो भी स्थाई वरिष्ठ क्लर्क कम टाइपिस्ट होता है, उसे टेलिक्स आपरेटर का भी कार्य करना पड़ता है और इस अतिरिक्त कार्य के लिए उसे प्रतिमाह रुपये 325/- की राशि दी जाती है। इस शाखा में श्री माहेश्वरी का ट्रांसफर आदेश दिनांक 28-4-86 के द्वारा किया गया था। विशेष कारणों से श्री माहेश्वरी ने मुख्य शाखा में कार्य दिनांक 1-9-87 से प्रारंभ किया। वे सबसे वरिष्ठ स्थाई क्लर्क-कम-टाइपिस्ट थे, इस कारण इनको टेलिक्स आपरेटर दिनांक 1-9-87 से बनाया गया। श्री बलीखान ने इस संबंध में माननीय उच्च न्यायालय म०प्र०, जबलपुर में याचिका भी प्रस्तुत की थी, जो माननीय उच्च न्यायालय ने निरस्त कर दी। श्रमिक श्री बलीखान के विरुद्ध विभागीय जांच उनके दुराचरण के लिए प्रारंभ की गई और मई 88 में उनका स्थानान्तरण मुख्य शाखा से किया गया। इस प्रकार से श्री बलीखान मुख्य शाखा में कार्यरत नहीं है। जहां यह टेलिक्स मशीन लगी हुई है। प्रबंधन को बाध्य नहीं किया जा सकता कि वे श्री बलीखान से ही टेलिक्स आपरेटर का काम मुख्य शाखा, रायपुर में कराएं। यह आवश्यक नहीं है कि टेलिक्स मशीन लगने के दिनांक 21-8-87 से ही टेलिक्स आपरेटर को नियुक्त किया जाए। श्री बलीखान को उनके उपलब्ध रहने पर 21-8-87 से 31-8-87 तक मशीन पर कार्य लिया गया था और इसका उन्हें भत्ता दिया गया। इस मशीन लगने के बहुत पहले से अप्रैल 86 में ही श्री माहेश्वरी का स्थानान्तरण मुख्य शाखा रायपुर में किया गया था। श्री माहेश्वरी के इस शाखा में आने पर उनके वरिष्ठ होने के कारण उनसे दिनांक 1-9-87 से 12-11-87 तक टेलिक्स आपरेटर का अतिरिक्त कार्य लिया गया और अलाउंस दिया गया। भूल से दिनांक 13-11-87 को श्री बलीखान को टेलिक्स आपरेटर का आदेश निकाला गया था और जैसे ही भूल का पता लगा उसी दिन यह आदेश निरस्त किया गया। श्री बलीखान को टेलिक्स आपरेटर के पद पर कार्य करने का कोई अधिकार नहीं है। श्री माहेश्वरी वरिष्ठ हैं और स्थाई टाइपिस्ट हैं, ऐसी स्थिति में इनको इस पद पर कार्य करने की ज्यादा योग्यता तथा औचित्य है। प्रबंधन के

अनुसार यूनियन ने अकारण ही यह विवाद उत्पन्न किया है। प्रबंधन चाहते हैं कि उसके पक्ष में अवाई पारित किया जाए।

4. श्री जे०एस० माहेश्वरी की ओर से एक अन्य यूनियन ने वर्तमान प्रकरण में हस्तक्षेप किया है और श्री माहेश्वरी का पक्ष प्रस्तुत किया है। इनके अनुसार श्री माहेश्वरी को अप्रैल 86 से ही रायपुर मुख्य शाखा में आने की इच्छा और आदेश था किन्तु उनको कार्यभार में मुक्त नहीं किया गया। जैसे ही श्री माहेश्वरी को कलहरी शाखा में मुक्त किया, उन्होंने अबिलख मुख् शाखा में कार्यभार सम्हाला। इस प्रकार दिनांक 1-9-87 से श्री जे०एस० माहेश्वरी मुख्य शाखा में स्थाई और वरिष्ठ क्लर्क-कम-टाइपिस्ट थे। श्री माहेश्वरी की मुख्य शाखा में नियुक्ति सामान्य रूप से टेलिक्स मशीन लगने के बहुत पहले की गई थी। श्री माहेश्वरी को दिनांक 1-9-87 से टेलिक्स आपरेटर का अतिरिक्त भार विधिवत और उनके वरिष्ठ होने के कारण दिया गया था। इसमें किसी प्रकार की दुर्भाग्यवश या नियमों की अवहेलना नहीं की गई। भारतीय स्टेट बैंक में यह सामान्य प्रथा है कि जहां भी टेलिक्स मशीन लगती है, वहां का स्थाई और वरिष्ठ टाइपिस्ट इस मशीन को चलाता है और उसे इस कार्य के लिए विशेष वेतन दिया जाता है। बैंक ने श्री माहेश्वरी को मुख्य शाखा में टेलिक्स आपरेटर का अतिरिक्त भार देकर नियमों के अनुसार और विधिवत कार्य किया है इस आदेश के पीछे कोई दुर्भाग्यवश या बैंक नियमों का उल्लंघन नहीं है। हस्तक्षेपकर्ता यूनियन चाहती है कि श्री बलीखान का अनुरोध निरस्त किया जाए।

5. वर्तमान प्रकरण में विवाद बिन्दु बहुत छोटा है। यह दोनों पक्षों को स्वीकार है कि भारतीय स्टेट बैंक की मुख्य शाखा रायपुर में टेलिक्स मशीन दिनांक 21-8-87 को लगाई गई। बैंक और यूनियन के समझौते के आधार पर इस मशीन का अतिरिक्त भार उस शाखा के वरिष्ठ और स्थाई टाइपिस्ट को दिया जाना था। इस समझौते के अनुसार दिनांक 21-8-87 को यह अतिरिक्त भार श्री बलीखान को दिया गया। अप्रैल 86 के आदेश के पालन में श्री माहेश्वरी ने इस शाखा में टाइपिस्ट का पद दिनांक 1-9-87 को ग्रहण किया। विवाद केवल इतना है कि श्री माहेश्वरी के टाइपिस्ट पद पर दिनांक 1-9-87 को ग्रहण करने के बाद क्या टेलिक्स आपरेटर का अतिरिक्त भार क्या श्री बलीखान के पास रहना चाहिए था अथवा यह कार्य श्री माहेश्वरी को करना था।

6. भारतीय स्टेट बैंक मुख्य शाखा, रायपुर में टेलिक्स आपरेटर का अलग से पद वर्ष 87 में नहीं था। इस पद पर स्थाई और वरिष्ठ टाइपिस्ट कार्य करता था और उसे रुपये 325/- प्रतिमाह विशेष वेतन दिया जाता था। ऐसा बैंक और यूनियन के समझौते के फलस्वरूप हुआ था। जिस दिन टेलिक्स मशीन लगी, उस दिन शाखा में सबसे पहले वरिष्ठ टाइपिस्ट श्री बलीखान थे। यूनियन के समझौते के आधार पर श्री बलीखान को टेलिक्स आपरेटर का अतिरिक्त भार इस दिनांक को दिया गया। दिनांक 1-9-87 को श्री माहेश्वरी ने इस शाखा में टाइपिस्ट का

कार्यभार ग्रहण किया। ये श्री वली खान से वरिष्ठ थे तथा स्थाई भी थे। इन्होंने दोनों आधारों पर श्री माहेश्वरी को दिनांक 1-9-87 से टेलिक्स आपरेटर का अतिरिक्त कार्य दिया गया। श्री वली खान यह समझने का प्रयास कर रहे हैं कि जब उनको दिनांक 21-8-87 को टेलिक्स आपरेटर का कार्यभार दिया जा चुका था तब यह कार्य दिनांक 1-9-87 से श्री माहेश्वरी को नहीं दिया जा सकता। यह तर्क निराधार है। श्री माहेश्वरी स्थाई टाइपिस्ट है और इस पद पर ही इनको रहने का अधिकार है। टेलिक्स आपरेटर का कोई पद मुख्य शाखा, रायपुर में वर्ष 87 में नहीं था। जो भी टाइपिस्ट इस पद पर काम करता था, उसे अतिरिक्त कार्य के लिए विशेष वेतन मिलता था। बैंक और यूनियन के समझौते के अनुसार इस अतिरिक्त भार के लिए उस शाखा में कार्यरत स्थाई और वरिष्ठ टाइपिस्ट ही सक्षम था। जैसा ऊपर कहा गया है कि श्री माहेश्वरी का ट्रांसफर मुख्य शाखा, रायपुर में अप्रैल 86 को किया गया था। प्रशासनिक कारणों से इन्होंने अपना पदभार दिनांक 1-9-87 को ग्रहण किया। इस प्रकार श्री माहेश्वरी की मुख्य शाखा रायपुर में नियुक्ति के बीच कोई दुर्भावना नहीं थी। श्री माहेश्वरी के मुख्य शाखा में आते ही वे सबसे वरिष्ठ टाइपिस्ट थे और स्थायी थे। इस कारण उनको अतिरिक्त कार्यभार दिया जाना स्वभाविक था और द्विपक्षीय समझौते के आधार पर था।

7. श्रमिक श्री वली खान ने मध्य प्रदेश उच्च न्यायालय में याचिका क्रमांक: 2079/88 प्रस्तुत की, जो दिनांक 29-6-88 को माननीय उच्च न्यायालय ने निरस्त कर दी। इस प्रकार माननीय उच्च न्यायालय ने भी श्री वली खान के तर्क और आवेदन को विचार योग्य नहीं पाया।

8. श्रमिक ऐसा कोई नियम या कानून नहीं बता पाया, जिससे यह ज्ञात हो कि श्री माहेश्वरी के आने के बाद भी उनको टेलिक्स आपरेटर के पद पर अतिरिक्त भार पूर्वानुसार रहना चाहिए था। द्विपक्षीय समझौते में स्पष्ट प्रावधान है कि बैंक की जिस शाखा में टेलिक्स मशीन लगती है, उसी शाखा का स्थाई और सबसे वरिष्ठ टाइपिस्ट इस अतिरिक्त कार्य को करेगा और इस हेतु उसे विशेष वेतन प्रतिमाह दिया जावेगा। इस समझौते के अनुसार श्री माहेश्वरी को दिनांक 1-9-87 से टेलिक्स आपरेटर का अतिरिक्त कार्यभार और विशेष वेतन दिया गया। यह आदेश विधिवत और द्विपक्षीय समझौते के अनुसार है।

9. उपर लिखी विवेचना का निष्कर्ष यह है कि श्री माहेश्वरी के आने के बाद श्री वली खान टेलिक्स आपरेटर के पद पर दिनांक 1-9-87 से कार्य करने में सक्षम नहीं थे और इनको समझौते के अनुसार अतिरिक्त भार से मुक्त किया गया। प्रबंधन का यह आदेश विधिवत है तथा इसमें हस्तक्षेप की आवश्यकता नहीं है। यही अवार्ड इस प्रकरण में दिया जा रहा है। सभी पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

10. नियमानुसार अवार्ड की प्रतियां भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती हैं।

डा. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 24 फरवरी, 1998

का.आ. 591.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रेलवे सहकारी श्रम संविधा समिति लि. लि., टुंडला के प्रबंधन के संवद्ध नियोजकों और कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो सरकार को 23-2-98 को प्राप्त हुआ था।

[संख्या एल-41012/235/95/आई. आर. (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 24th February, 1998

S.O. 591.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Railway Sahkari Shram Samvida Samiti Ltd. and their workman, which was received by the Central Government on 23-2-1998.

[No. L-41012/235/95-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 56 of 1997

In the matter of dispute :

BETWEEN

Uma Shanker Pandey
C/o Shri Kailash Nath Tripathi
33/37 Ganja Gand, Allahabad.

AND

The Secretary
Rly. Sahkari Shram Samvida
Samiti Ltd.
Hata Asgariganj
Main Road Tundla.

APPEARANCES :

Shri D. N. Tiwari—for the workman.

Shri Sunil Mehortha—for the management.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-41012/235/95-I.R. (B-I) dated 5-3-97 has referred the following dispute for adjudication to this Tribunal :

Whether the Central Government is the appropriate Government for the workman in dispute who had been engaged by the Railway Sahkari Shram Samvida Samiti Ltd. Tundla a licence contractor under CL (R and A) Act 1970 ? If so whether the action of the management of Railway Sahkari Shram

Samvida Samiti Ltd. Tundla in terminating the services of their employees at All. Railway Station Shri Uma Shanker Pandey w.e.f. 29-10-93 and subsequently w.e.f. 25-12-93 after allowing him to work from 17-12-93 to 24-12-93 at Aligarh Junction, is justified? If not what relief the workman is entitled to?

2. The case of concerned workman Uma Shanker Pandey is that he is a Parcel Porter and is employee of Railway Sahkari Shram Samvida Samiti Ltd Tundla. His services have been wrongly terminated.

3. The opposite party has alleged that it being a cooperative Society is not an Industry.

4. In support of this contention the Authorised Representative of the opposite party has referred to the case of Vikramaditya Pandey V/S Industrial Tribunal Lucknow 1997 (15) F.L.R. 844 in which it has been held that a Society is covered by U.P. Cooperative Society Act is not an Industry. Promotion of above mentioned Act would apply to it and not the provision of Industrial Dispute Act.

5. In view of above authority it is held that the opposite party is not an Industry. Hence the claim of the concerned workman can not be adjudicated. Consequently the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 फरवरी 1998

का० आ० 592.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-98 को प्राप्त हुआ था।

[नं०-32012/6/92-आई०आर० (विधि)]

वी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 23rd February, 1998

S.O. 592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Dock Labour Board and their workman, which was received by the Central Government on 23-2-98

[L-32012/6/92-JR. (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 11 of 1993

AND

Reference No. 17 of 1993

PARTIES :

Employers in relation to the management of Calcutta Dock Labour Board.

AND

Their Workmen

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management.—Mr. B. K. Chakraborty, Industrial Relation Officer.

On behalf of Workmen.—Mr. A. Banerjee, General Secretary, of the Union.

STATE : West Bengal.

INDUSTRY : Port & Dock.

AWARD

By Order No. L-32012/6/92-JR (Misc.) dated 21-1-1993 and Order of even number and date and finally by Corrigendum of even number dated 25-3-1996 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Dock Labour Board in not extending mechanical allowance to the four drivers (S/Shri Someswar Sahu, Car Driver, Shri Hemanta Kumar Das, Ambulance Driver, Shri Ajit Kumar Chakraborty, Car Driver and Shri Sanjit Kumar Sahu, Car Driver) in the light of resolution No. 71 dated 25-8-1986 is justified? If not, to what relief these workmen are entitled?"

2. Reference No. 11 of 1993 and Reference No. 17 of 1983 being based on same facts and the parties thereto being the same and the points for consideration being also the same in respect of both the references, both of them are being disposed of by the following Award.

3. The instant reference arises out of the claim made by the union on behalf of the 3 Car Drivers and one Ambulance Driver of the Calcutta Dock Labour Board (in short CDLB) for mechanical allowance on account of the submissions of required certificate of mechanical knowledge.

4. The union claims that in terms of Resolution No. 71 dated 25-8-1986 of the CDLB the mechanical allowance was to be given to the concerned three Car Drivers and one Ambulance Driver after they obtained the certificate of mechanical knowledge from the reputed concern of automobile engineering. The union has also alleged that the Finance Committee of the CDLB on 23-12-1957 recommended payment of mechanical allowance to Car/Ambulance Drivers having mechanical knowledge and obtained certificate from the reputed concern of automobile engineering technology. According to the said recommendation the CDLB granted mechanical allowance to the 10 Car/Ambulance Drivers who could submit certificate of mechanical knowledge. The same mechanical allowance was initially Rs. 8/- per head per month and at present it is enhanced to Rs. 59.40p. The concerned 4 Ambulance/Car Drivers subsequently produced required certificate of mechanical knowledge from the reputed concerns of automobile engineering and claimed for payment of mechanical allowance.

In the joint meeting of the committee held on 4-8-1986 as well as in a meeting of the CDLB dated 25-8-1986, the matter was considered and resolution was passed for extending the mechanical allowance to the remaining concerned Car/Ambulance Drivers. In spite of the said resolution of the CDLB no further action was taken in the matter. An industrial dispute was accordingly raised and eventually the matter was referred to this Tribunal for adjudication by the Central Government as per the schedule as stated above. The union accordingly prayed for directing the CDLB to pay the aforesaid mechanical allowance to the concerned workmen.

5. The CDLB in its written statement has alleged that at present it has only one Car and one Ambulance which are repaired in the garages engaged by the CDLB in cases of necessities and Car/Ambulance Drivers are no longer required to take part in the repairing work. The CDLB has further alleged that in terms of Memo No. IWR-20/80 RO dated 18-6-1981. Sent by the Government of India, Ministry of Shipping and Transport (Labour Wing) to the Chairman of all Port Trusts, prior government approval is required to be taken (i) whenever any change is made in the existing pay scale, fees and allowances payable to existing category of employees in a particular department/section or attached to any other category of posts engaged in the same department/section; (ii) whenever it is proposed to give new allowances or special pay to any category

of employees which is not paid to him/her even though some other categories of employees may be getting such allowance. Prior approval of the Government of India, Ministry of Shipping and Transport was not obtained by the CDLB before passing the Resolution No. 71 dated 25-8-1986. By issuing Memo No. LB-12016/4/86-R.O. dated 28-1-1987 the Under Secretary to the Govt. of India, Ministry of Transport (Department of Surface Transport) informed the Secretary, CDLB that the proposal of the CDLB for payment of mechanical allowance to Ambulance/Car Drivers of the CDLB cannot be agreed to as no such payment is made in other Dock Labour Boards or Port Trusts, CDLB accordingly prayed for dismissal of the claim of the union.

6. Heard Mr. B. K. Chakraborty, representative of the CDLB and Mr. A. Banerjee, representative of the union.

7. Admittedly, of the 14 workmen who were engaged by the CDLB as Car/Ambulance Drivers, 10 of them were getting special allowance of Rs. 8/- at the initial stage which was subsequently enhanced to Rs. 59.40p. per month on account of their possession and submission of certificate of mechanical knowledge. The concerned workmen are 4 in number, out of which 3 are Car Driver and 1 is Ambulance Driver. It appears from the evidence of A. K. Mitra, the Assistant Administrative Officer (Coordination) of the CDLB that out of the 4 concerned Drivers in the reference only Sanjit Kumar Saha is working and the rest have retired from service on attaining the age of superannuation.

8. Mr. Chakraborty, representative of the CDLB submitted that the concerned workmen shall not be entitled to get the mechanical allowance in spite of their possession and submission of the required certificate on the ground that the government circular of 1981, referred to above, has precluded the CDLB from raising any allowance to any of its employees without the prior sanction of the government and the government has refused to pay such allowance to the concerned workmen on the ground that such allowance is not payable to any workers of any Dock Labour Board situated in India. He also submitted that the CDLB virtually having no car in its possession at present, in fact it having only one car in its possession at present and the Drivers being not required to do any work, leaving alone the performance of the repairing work, which the Drivers are to perform for getting special allowance that no question of granting them any special allowance, as claimed by the union, can arise.

9. Mr. Banerjee, appearing on behalf of the union, submitted that the CDLB in its meeting having taken the resolution that the remaining Car/Ambulance Drivers shall get the allowance with knowledge of the Government decision for prior approval, must be deemed to have power to pass such resolution, the same being a local anomaly and can be settled by the CDLB itself. He further submitted with reference to the evidence of WW-1 and MW-1 that the Drivers of the vehicles are to perform repairing work as and when necessary at the time of the running of the vehicles.

10. To appreciate the contention of the parties in this dispute, it is necessary to consider the Resolution No. 104 as it appears from the extracts of the minutes of the Eleventh meeting of the Finance Committee for 1957-58 vide Ext. M-1. The said resolution, as far as it is required for this case runs as follows :

"Resolved that Special pay of Rs. 8/- per month be sanctioned for the motor car drivers of the Board who were not entitled to such special pay at present, provided they passed a test for mechanical knowledge by the same standard as in the case of Ambulance Drivers."

Admittedly, out of the 14 such Car Drivers, 10 obtained such special allowance and the remaining 4, who are the concerned workmen in this reference, did not get the same though they passed the test for mechanical knowledge and submitted necessary certificate for the said purpose. It appears from the minutes of the meeting of the CDLB vide Ext. W-2(c) that these Drivers produced certificates from the different concerns and the matter was referred to the

government in 1981 which was not accepted. It appears from the evidence of Mr. A. K. Mitra, MW-1 that by Resolution No. 71 dated 25th August, 1986 the concerned Car Drivers were made eligible to receive the mechanical allowance, subject to their procurement of certificate of competency to be obtained from the recognised automobile engineering institution. I have already stated that they had obtained certification long before 1981. This witness in his evidence further stated that this resolution could not be given effect to as in 1981 a circular was issued by the Central Government not to enhance any financial liability concerning Dock Labour Boards under any circumstances without prior approval of the Ministry.

Mr. Chakraborty, representative of the CDLB also submitted that what prevented the management from payment of the said allowance to the concerned workmen was the circular of 1981 by which the CDLB was restrained from increasing its financial burden in any manner without taking prior approval of the Government.

11. It is therefore clear that prior to 1981 the CDLB had every right to pay the allowance to these Car/Ambulance Drivers. The concerned Car/Ambulance Drivers having admittedly obtained the certificates long before 1981 and they having produced the same, as shown before, by me, the CDLB's plea that the circular was the reason for rejecting their claim of special allowance, cannot be accepted because prior to 1981 the CDLB had absolute right to consider such demand. As a matter of fact, the CDLB was duty bound to consider such demand and pass necessary orders for rendering the workmen to get the said allowance because in terms of the resolution of 1957, referred to above, the CDLB was to pay such allowance to Car and Ambulance Drivers after they passed the test for mechanical knowledge.

12. In so far as the point taken by Mr. Chakraborty that the present position of the CDLB, which has only one Car in its possession and the Car/Ambulance Drivers do not perform any repairing work of the Cars, they shall not be entitled to any allowance, neither of these submissions, to my mind, has any force to deprive the rightful claim of the Car/Ambulance Drivers to the special allowance for the purpose. It is none of the fault of the Car/Ambulance Drivers if the CDLB decides, as a matter of policy, to replace their own cars by engagement of cars on hire. It was submitted by Mr. Chakraborty that CDLB owned number of Cars for which the engagement of Drivers were necessary, but that policy has now been changed and Cars are now taken on hire for doing the business of the CDLB. Anyway, the concerned workmen cannot be made to suffer for the change of the policy decision of the CDLB in respect of the Cars. The other ground, namely, that Cars/Ambulance Drivers do not do any repairing work is merely besides the point because resolution of 1957 nowhere shows that doing of the repairing was sine-qua-non for enabling the Drivers to get the special allowance. Though performance of repairing work is not relevant for grant of special allowance, still then, from the evidence of the parties produced before me, it appears that the Drivers are to perform minor repairing work, if they occur at the time when the vehicle is in motion. This ground for depriving the concerned workmen of the allowance also therefore has no leg to stand upon.

13. Mr. Chakraborty lastly submitted that since the CDLB cannot independently pursue any independent financial policy and it is to dependant upon the Central Government's directions and instructions in respect of payment to its workmen that it is bound by the circular of 1981 and accordingly no relief can be granted by the CDLB in the matter. It is true that the financial responsibility for the payment to the workmen being ultimately lying with the Central Government, the approval of the Central Government is necessary before incurring any financial liability by any instrumentality of the State. It is also true that the Courts or Tribunals should not issue any direction in respect of the steps taken by the government for enforcing financial discipline. But simultaneously with the right of the government, as mentioned above, there is corresponding right of the workmen under the Act to get its just and legal dues and if general formulation of policy of the government in such matter stand in the way of the fulfilment of the work-

mens legal and rightful claim, the government order in so far as it stands in the way of the workmen's getting rightful claim, must be deemed to be modified to the extent. In the said view of the matter, this contention of Mr. Chakraborty also must fail.

14. Before parting with this case, it is necessary to see how far the principle of 'equal pay for equal work' has application in the instant case. The fact that all the 14 Car/Ambulance Drivers stand on the equal footing, after all of them obtained certificate of mechanical knowledge have been elaborately discussed before. In the case of *Maneka Gandhi v. Union of India*, reported in (1978) 2 S.C.R. 621 it was held by the Hon'ble Supreme Court that "Equality is a dynamic concept with many aspects and dimensions and it cannot be imprisoned within traditional and doctrinaire limits. Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness pervades Article 14 like a brooding omnipresence." Article 16(1) read with Articles 14 and 39(d) guarantees equal pay for equal work. The Hon'ble Supreme Court strikes down unequal scale of pay for identical work under the same employer which is based on classification or irrational classification (vide *Randhir Singh v. Union of India*, AIR 1982 SC 879 and *P. K. Ramchandra Iyer v. Union of India*, AIR 1984 SC 541).

In the instant case, the CDLB in its meeting itself had admitted that no discrimination should be made in respect of payment of allowance to the Car/Ambulance Drivers in interse and remaining workmen should also get the benefit of special allowance. The order as conveyed by the Under Secretary dated 20-1-1987 rejecting the proposal of the CDLB for payment of mechanical allowance to its Car/Ambulance Drivers therefore was clearly bad as it offends the principle of 'equal pay for equal work' in the absence of any basis for classification, let alone reasonable classification between the Drivers getting the allowance and the concerned workmen.

15. So, upon consideration of all the facts and circumstances and the position of law in this matter, I find that the concerned workmen have been illegally deprived of getting their special allowance from the dates they applied for getting the said allowance on production of necessary certificate of mechanical knowledge. The CDLB is accordingly directed to grant the said allowance to the concerned workmen, as available to them from time to time, from the respective dates of their submission of certificate of mechanical knowledge. The references are disposed of accordingly.

This is my Award

Dated, Calcutta,
The 6th February, 1998.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 23 फरवरी, 1998

कां०आ०. 593.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-98 को प्राप्त हुआ था।

[एल-32011/12/88-डी-4(प) डी-3 (बी)]

वी०एम० डेविड, डैस्क अधिकारी

New Delhi, the 23rd February, 1998

S.O. 593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award

of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on the 23-2-98.

[No. L-32011/12/88-D-IV(A) D-III(B)]
B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 157 of 1988

PARTIES :

Employers in relation to the management of Calcutta Port Trust, Calcutta

AND

Their workmen.

PRESENT :

Mr. Justice A.K. Chakravarty,
Presiding Officer.

APPEARANCE :

On behalf of Management :

Mr. G. Mukhopadhyay, Senior Labour Officer (IR).

On behalf of Workmen :

Mr. P. C. Laha, Secretary of the Union.

STATE : West Bengal INDUSTRY : Port & Dock

AWARD

By Order No. L-32011/12/88-DIV(A) D. III(B) dated 9-8-1988 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust, Calcutta in deducting fixed O.T. allowance with effect from 25-11-87 of the 23 Operational Staff (list enclosed) attached to Mechanical Coal Loading Plant of OME's department, represented by National Union of Waterfront Workers' Union, is proper, justified and legal. If not, to what relief the concerned workmen are entitled ?"

List of 23 Operational Staff

Sl. No.	Name	Designation
1.	Shri Bonwari	Crane Driver (20 C/i)
2.	.. Badri Singh	—do—
3.	.. Sudhir R. Dey	—do—

4.	Bimal Das Gupta	Crane Driver (20 C i)
5.	„ Bholanath Dey	—do—
6.	„ Md. Taslim	—do—
7.	„ Bononali Paul	—do—
8.	„ Ramesvary Ram	—do—
9.	„ Somaru Rajbhar	—do—
10.	„ Sk. Abas	—do—
11.	„ Amaresh Ch. Kuunda	—do—
12.	„ Panchu Gopal Das	—do—
13.	„ Sk. Atsullah	—do—
14.	„ Md. Starun	—do—
15.	„ Sk. Abdul Rashid	—do—
16.	„ Sk. Abdul Karim	—do—
17.	„ Monder Ram Jesu	—do—
18.	„ Jatin Sil	—do—
19.	„ Nemai Mondal	—do—
20.	„ Mirja Kamruddin Baig	Crane Tindal (20 C E)
21.	„ Kirtichan Das	—do—
22.	„ Jitendranath Chatterjee	—do—
23.	„ Baijnath Pandey	—do—

2. The union's case, in short, is that the concerned workmen, namely 19 Crane Drivers and 4 Crane Tindals attached to the Backetts Plant Salary Bill of the Mechanical Coal Loading Plant under the Mechanical Engineering Department of the Calcutta Port Trust used to get one hour's fixed overtime allowance for attending to their duties one hour earlier than the schedule duty hours and this state of affairs continued till 24-11-1987. Prior to that on 14-6-1983 a discussion took place between the Chairman and the union's representative, which ended in agreement that the Crane Drivers and the Crane Tindals would get one hour's overtime for attending duty one hour early every day and this was called fixed O.T. in the said agreement. In the agreement it was suggested that the concerned Crane Drivers and Crane Tindals would be absorbed in the Cargo Docks. The management did not do the same. The management, however, issued a closure notice declaring the workmen of the Mechanical Coal Loading Plant (the concerned workmen) as surplus in the month of July, 1987 but the workmen went on still carrying their original duties till the second notice namely, notice No. C/3358 dated 19-11-1987 was issued directing the workmen to undertake the General Shift duty i.e. 7.30 hours to 16.30 hours with effect from 25-11-1987 and 26-11-1987 and the workmen were thus denied the benefit of fixed O.T. allowance. The workmen has alleged that had the suggestion of the then Chairman for absorbing 19 Crane Drivers and 4 Crane Tindals of the M.C.L.P. (Mechanical Coal Loading Plant) to Cargo Docks been accepted, they would not have been looser. The workmen accordingly had to raise an industrial dispute. Conciliation proceeding having failed, the matter was referred to the Central Government, which referred the matter to this Tribunal for adjudication. The workmen accordingly prayed for issuance of necessary orders for this Tribunal

for directing the management to restore the benefit of fixed O.T.

3. The management in its written statement has alleged that the Mechanical Coal Loading Plant ceased to function with effect from 20-7-1987 pursuant to a decision taken in consultation with the Government of India in the Ministry of Surface Transport to close down the coal handling facilities in Calcutta Dock, as a result of which 115 workmen of different categories, attached to the said plant, were declared surplus and they were kept in the Surplus Pool without assigning any work. Their existing pay was however protected. Arrangements were made to adjust them in alternative employment without taking recourse to any step for their retrenchment. The concerned workmen were asked by the Chief Mechanical Engineer, by a notice dated 19-11-1987, to register their attendance in the general shift from 7.30 A.M. to 4.30 P.M. with effect from 25-11-1987. It was clearly stipulated in the said notice that the workmen who enjoyed their weekly off days should report to the General Shift with effect from 26-11-1987. The concerned workmen being members of the surplus pool, were to register their attendance in the general shift like the other workmen in the surplus pool till such time they could be adjusted against the alternative vacancies. This was done because the surplus workmen only had to record their attendance for the purpose of getting their monthly salaries. Save and except the concerned workmen all other workmen complied with the aforesaid notice of the Chief Mechanical Engineer and reported in the general shift and started registering their attendance with effect from 25-11-1987/26-11-1987. The concerned workmen, however, instead of reporting in the general shift, made themselves absent from 25-11-1987 to 23-12-1987 and raised an industrial dispute before the Assistant Labour Commissioner (Central), Calcutta through their union. They, however, started reporting in the general shift with effect from 24-12-1987 in compliance with the direction of the Chief Mechanical Engineer.

Prior to 25-11-1987 the concerned workmen, alongwith others used to perform their duties in three shifts and occasionally in each shift the workmen had to report to their duties one hour early to the schedule reporting time and for this they were paid overtime for one hour. This overtime used to be paid as the concerned workmen after registering their attendance in the office had to walk up to the Cranes at various places and also make the Cranes ready for operation right at the commencement of the shift. After the Mechanical Coal Loading Plant ceased to function, Cranes were not required to be made ready for operation. The management alleges that the O.T. Allowance was paid to the workman when he is required to work beyond normal duty hours in

exigencies of the work and as the concerned workmen neither required to attend to their duties earlier to their schedule duty hours at M.C.L.P., nor were they required to work after their normal duty hours, they were not paid any O.T. Allowance. It was submitted that there being no extra duty hours, the question of deduction of fixed O.T. Allowance does not arise. The management accordingly prayed for dismissal of the claim of the union.

4. Heard Mr. Mukhopadhyay, representative of the management. None appeared for the union on 2/3 successive occasions and accordingly this Tribunal has no other alternative but to pass this Award on the basis of the written argument filed by the union.

5. WW-1, Badri Singh, one of the concerned workmen, deposed for the workmen in this case. He admitted while he was working in M.C.L.P., he had to attend his duty one hour earlier for making the Crane ready. He also admitted that it was true that since he was required to come earlier for performance of duties, as mentioned earlier, he was given one hour's overtime. He further admitted that he is now working at K.P. Dock where he was also required to come one hour earlier. Here also, he gets Overtime Allowance as he has to come one hour earlier.

6. Management also examined one Atindra Kumar Nanda, the Senior Executive Engineer. He stated that after the cessation of the earlier plant, the workmen were kept in surplus pool, awaiting adjustment in other department. He further stated that if the employees are not booked, they are not entitled to get any Overtime Allowance. He denied that every Crane Drivers and Crane Tindals used to be paid Overtime Allowance for reporting one hour earlier irrespective of booking.

7. The facts in this case are all admitted. The concerned workmen were working in the M.C.L.P. and since they had to attend to their duties one hour earlier of the schedule shift that they used to get Overtime Allowance. It is not also disputed that the coal handling in the Calcutta Dock was stopped for which 115 employees of the M.C.L.P. had to be declared surplus. It is also admitted that the management instead of retrenchment of these surplus staff, kept them in the surplus pool for their adjustment in the alternative vacancies. It is also not denied that the management issued a notice directing the surplus workmen to report for duties in the general shift on 25-11-1987 and the concerned workmen remained absent till 23-12-87 and reported themselves for duties from 24-12-1987.

8. On the above admitted facts, the question is whether the concerned workmen shall be entitled to get fixed O.T. The management has strongly denied the existence of any fixed O.T. and submitted that the meaning of the word 'fixed' in the schedule is not clear, it may be irregular but cannot be fixed. According to the management the word 'fixed' in the schedule is misconceived. It was further alleged that the workmen being no longer attached to the Mechanical Coal Loading Plant, as that plant no longer exists in the Calcutta Dock, the concerned workmen cannot any more be attached to that section and thus the correct status of the concerned workmen had not been disclosed. I find sufficient force in this contention. Payment of Overtime Allowance being related to the exigencies of work, no question of fixed Overtime Allowance can arise. Further, the MCLP having ceased to exist, declaration of the status of the workmen was wrong and for these two reasons alone, the entire reference can be said to be misconceived.

9. Be that as it may, coming to the main claim of the concerned workmen that they are entitled to the fixed O.T., they claim that their demand has a solid basis, namely, an agreement in support of such claim. Not a single piece of paper was produced by the union nor there is any evidence on behalf of the union that any such agreement for payment of fixed O.T. was ever entered into between the management and the concerned union. In the instant case, the union has admitted that due notice was issued by the management to declare the concerned workmen surplus to requirement for want of work. It was also admitted that the concerned workmen were advised to report for general shift duty (7.30 A.M. to 4.30 P.M.) by the management with effect from 25-11-1987 by due notice. Union also admitted that the concerned workmen did not comply with the above direction to report to general shift with effect from 25-11-1987 and remained absent till 23-12-1987 and the salary of this period was deducted from their pay. They, however, started getting their salaries from 24-12-1987 on which date they joined. The deduction of such being not the subject matter of the reference, it is not necessary to consider about such deduction of pay any further.

10. Apart from the alleged agreement between the employer and the employees whose existence was denied by the management and which could not be proved by the union, the other reason for the claim is that since the workmen were entitled to get this allowance while they were attached to the MCLP that withdrawal of such allowance should not have been made. I fail to understand any logic behind this argument. The MCLP section having been abolished from the Calcutta Dock System and the concerned workmen having already reported for general shift duty which has no connection with the MCLP, no question of carrying

overtime even after new assignment can arise. Further, any payment of O.T. is inextricably linked up with rendering of extra work. I have already mentioned the evidence of WW-1 wherein he has categorically stated that O.T. was granted as they had to attend to their work one hour before the starting of their shift duty while they were working in MCLP. Admittedly, the workmen having now been made to report for general shift duty, where their normal duty hours is from 7.30 A.M. to 4.30 P.M., no question of payment of any Overtime Allowance can arise.

11. In the aforesaid circumstances, the action of the management in not granting fixed O.T. to the concerned workmen cannot be said to be unjustified and the issue must be decided in the affirmative in favour of the management.

12. The workmen accordingly shall not be entitled to any relief in this case.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 23 फरवरी, 1998

का०आ०. 594 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जलेश्वर प्रसाद सिंह के प्रबन्धता के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-98 को प्राप्त हुआ था।

[एल-29011/17/90-आई०आर० (विविध)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 23rd February, 1998

S.O. 594.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jaleshwar Prasad Singh and their workman, which was received by the Central Government on 23-2-98.

[L-29011/17/90-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947
Reference No. 14 of 1990

PARTIES :

Employers in relation to the management of
Jaleshwar Prasad Singh, Gaya and
their workman.

APPEARANCES :

On behalf of the workman—None.

On behalf of the employers—Shri Sitaram
Singh authorised representative.

STATE : Bihar INDUSTRY : Stone Mines

Dated, Dhanbad, the 29th January, 1998

AWARD

The Government of India, Ministry of Labour, is exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29011/90-I.R. (Misc.), dated the June, 1990.

SCHEDULE

“क्या बिहार राज्य पत्थर तोड़ मजदूर यूनियन गया जिला कमेटी, पुरानी जेल खाना गया द्वारा मसर्स जलेश्वर प्रसाद सिंह अराडीह माइन्स पट्टीसी गुलाब बाग, गया (बिहार) में कार्यरत कर्मचारों के संबंध में की गई निम्नलिखित मांग उचित है। यदि हां तो कर्मकार किस अनुतोष के अधिकारी हैं? मांग सं. 1 : हैड ड्रिलर ड्रिलर, मुंशी, चौकीदार, ट्रक ड्राइवर, ट्रक खलासी, ट्रक लोडर, बलास्टर, आदि की दैनिक मजदूरी में वृद्धि करना।

मांग सं. 2 : कलल तोड़ने वाले मजदूरों को कलल तड़ाई के लिये 135क प्रति ट्रक 225 सी एफ टी दिया जाना।”

2. Soon after the receipt of the order of reference notices were duly served upon the parties. The workmen did not turn up but the management represented through their authorised representative. Thereafter again notices were issued to the workmen. The workmen neither appeared nor took any steps. It therefore leads me to an inference that there is no dispute presently existing between the parties. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 26 फरवरी, 1998

का०आ०. 595 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैलाडीला लौह अयस्क परियोजना के प्रबन्धता के

संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को, 26-2-98 को प्राप्त हुआ था।

[एल-26012/18/85-डी-3 (बी)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 26th February, 1998

S.O. 595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bailadila Iron Ore Project and their workman, which was received by the Central Government on 26-2-98.

[L-26012/18/85-D.3(B)]

B. M. DAVID, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय,
जबलपुर म.प्र.

डी.एन. दीक्षित

पीठासीन अधिकारी

प्र.क्र. सीजीआईटी/एलसी/आर/64/87

संकेतरी,

बस्तर खदान मजदूर संघ (हि.म.स.),

2/बी, न्यू कालोनी,

डाकघर किरन्दुल जिला बस्तर (म.प्र.) —प्राप्ति
वि.

महाप्रबंधक,

बैलाडिला लौह अयस्क परियोजना,

डिपो सं. 14, डाकघर किरन्दुल

जिला—बस्तर म.प्र.

—प्रतिप्राप्ति

अवार्ड

दिनांकित 16/2/1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या एल-26012/18/85-डी-3(बी) दिनांकित 1-5-87 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है:—

अनुसूची

“क्या बैलाडिला लौह अयस्क परियोजना, डिपो सं. 14, किरन्दुल के प्रबंधन द्वारा दिनांक 13-8-1984 के आदेश संख्या पीएम/पी.एफ 18066/84 के तहत श्री सेवक राम, मेन्टीनेस सहायक की सेवाएं इस

आधार पर समाप्त करने की कार्यवाही न्यायोचित है कि उसे चिकित्सा बोर्ड द्वारा मेन्टीनेस सहायक के पद के लिये शारीरिक रूप से अनुपयुक्त घोषित किया गया था। यदि नहीं, तो उक्त कर्मकार किस अनुतोष का हकदार है।”

2. श्रमिक श्री सेवकराम के अनुसार वह बैलाडिला खदान और माइन्स की खदान में 14 किरन्दुल में मेन्टीनेस सहायक के पद पर कार्यरत था। श्रमिक को घिना नोटिस दिनांक 13-8-84 में सेवा में पृथक् कर दिया गया। प्रबंधन ने मेडिकल बोर्ड का गठन किया और सेवकराम का परीक्षण कराया। जो प्रतिष्ठा आनाई गई वह स्टैंडिंग आर्डर के नियम 22 के विपरीत थी। मेडिकल बोर्ड ने यह पाया कि श्रमिक को दोनों आंखों में रोशनी नहीं थी और वह अंधा था। मेडिकल बोर्ड ने यह घोषित नहीं किया कि वह अन्य कार्य के लिये भी अक्षम था। हेड आफिस के नियमों के अनुसार अन्धे व्यक्ति को कन्वेंश भत्ता प्रतिमाह दिया जाता है। यह भत्ता श्रमिक को नहीं दिया गया। श्रमिक के विरुद्ध कोई विभागीय जांच नहीं की गई, इसलिये उसकी सेवामुक्ति का आदेश अवैधान्तिक है। श्रमिक चाहता है कि उसकी सेवामुक्ति का आदेश निरस्त किया जाये और पुनः सेवा में लिया जाये। सेवामुक्ति के आदेश के दिनांक में उसे नियमों के अनुसार वेतन व भत्ते दिये जायें।

3. प्रबंधन के अनुसार श्रमिक की दोनों आंखों की रोशनी समाप्त हो गई थी, इस कारण कोई काम नहीं कर पाता था। स्टैंडिंग आर्डर नं. 22 के अनुसार श्रमिक का डाक्टरों परीक्षण कराया गया और मेडिकल बोर्ड ने यह पाया कि श्रमिक की दोनों आंखों की रोशनी समाप्त हो गई थी तथा वह मेन्टीनेस सहायक का काम नहीं कर सकता था। मेडिकल बोर्ड की रिपोर्ट के आधार पर श्रमिक को दिनांक 13-8-84 से सेवामुक्ति किया गया। श्रमिक की सेवायें समाप्त की गई थी, इस लिये उसे कन्वेंश भत्ता नहीं दिया गया। श्रमिक को आंखों की शक्ति समाप्त होने से सेवामुक्ति किया गया था, इसलिये विभागीय जांच की आवश्यकता नहीं थी। खदान के कार्य में अंधे व्यक्ति का उपयोग नहीं किया जा सकता। प्रबंधन के अनुसार श्रमिक ने अकारण ही विवाद उत्पन्न किया है। प्रबंधन चाहता है कि श्रमिक के विरुद्ध अवार्ड दिया जाये।

4. श्रमिक का डाक्टरों परीक्षण मेडिकल बोर्ड ने दिनांक 24-7-84 को किया। परीक्षण के पश्चात् मेडिकल बोर्ड ने यह पाया कि श्रमिक श्री सेवकराम दोनों आंखों में अंधा है और मेन्टीनेस सहायक का काम नहीं कर सकता। इस रिपोर्ट के आधार पर श्रमिक सेवकराम को सेवामुक्ति आदेश दिनांकित 13-8-84 के द्वारा सेवामुक्ति किया गया। इस आदेश की प्रति प्रबंधन ने प्रस्तुत की है और श्रमिक ने स्वीकार किया है। इस आदेश में उल्लेख है कि स्टैंडिंग आर्डर नं. 22 के

अनुसार श्रमिक को सेवामुक्त किया जा रहा है। यह भी उल्लेख है कि श्रमिक को नोटिस के एवज में एक माह का वेतन दिया जायेगा।

5. श्रमिक की आपत्ति यह है कि जब तक वह निवेदन नहीं करें और रुपये 10/- फीस नहीं दें, तब तक म्याई आदेश के आदेश क्र. 22 के अन्तर्गत उसका परीक्षण मेडिकल बोर्ड के द्वारा नहीं किया जा सकता। म्याई आदेश क्रमांक 22 का अवलोकन किया गया। इसमें यह उल्लेख है कि प्रबंधन किसी भी श्रमिक का कभी भी डाक्टररी परीक्षण करा सकता है। अगर श्रमिक इस परीक्षण को चुनौती देना चाहे तो रुपये 10/- देकर अनुरोध कर सकता है। इस अनुरोध पर डॉक्टररी रिपोर्ट का पुनर्मूल्यांकन किया जायेगा। वर्तमान प्रकरण में श्रमिक ने प्रबंधन को कभी लिखकर नहीं दिया कि वह मेडिकल बोर्ड के निष्कर्षों को चुनौती देना चाहता है। वर्तमान प्रकरण में श्रमिक ने यह नहीं लिखा है कि मेडिकल बोर्ड का यह निष्कर्ष गलत है कि वह दोनों आंखों से अंधा है। श्रमिक का यह तर्क असंगत है कि मेडिकल बोर्ड से परीक्षण केवल उसकी मांग पर हो सकता है। नियम 22 में केवल यह उल्लेख है कि श्रमिक का डाक्टररी परीक्षण होगा। इसमें यह उल्लेख नहीं है कि डाक्टररी परीक्षण एक डाक्टर द्वारा होगा या मेडिकल बोर्ड द्वारा होगा। ऐसे में अगर प्रबंधन ने मेडिकल बोर्ड से परीक्षण करा लिया तो श्रमिक के अधिकार का उल्लंघन नहीं किया। इस मेडिकल बोर्ड के परीक्षण को भी चुनौती दी जा सकती थी। यह चुनौती श्रमिक ने नहीं दी। ऐसी स्थिति में मेडिकल बोर्ड की रिपोर्ट दि. 24-7-84 को स्वीकार कर प्रबंधन ने गलती नहीं की। यह आदेश 22 के अनुरूप है।

6. आदेश 22 में यह भी उल्लेख है कि जब भी कोई श्रमिक शारीरिक रूप से अशक्त पाया जायेगा तो उसे सेवामुक्त किया जायेगा। वर्तमान प्रकरण में श्रमिक दोनों आंखों से अंधा हो गया था तथा मेडिकल बोर्ड ने यह कहा है कि वह मेंटीनेंस सहायक के पद पर कार्य नहीं कर सकता। ऐसी स्थिति में आदेश 22 के अनुसार ही श्रमिक को सेवा मुक्त किया जा सकता है। प्रबंधन का सेवानिवृत्ति का आदेश विधिवत् है।

7. श्रमिक ने यह भी कहा है कि मेडिकल बोर्ड के परीक्षण के पश्चात् श्रमिक को जांच के पश्चात् निकाला जा सकता था मैं इस तर्क से सहमत नहीं हूँ। विशेष रूप से जब कि श्रमिक ने मेडिकल बोर्ड के निष्कर्षों को चुनौती नहीं दी है। श्रमिक का यह तर्क सारहीन है।

8. ऊपर लिखी विवेचना का निष्कर्ष यह है कि श्रमिक की सेवा-मुक्ति का आदेश दिनांकित 13-08-84 विधिवत् है। श्रमिक कोई भी अनुतोष पाने का अधिकारी नहीं है। इस प्रकरण में यही अवार्ड दिया जाता है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

9. नियमानुसार अवार्ड की प्रतियां भारत सरकार, श्रम मंत्रालय दिल्ली को प्रेषित की जाती है।

ई.एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 2 मार्च, 1998

का.आ. 596.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार, श्रीद्योगिक अधिकरण, सं. 2 मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-98 को प्राप्त हुआ था।

[एल-31011/2/97-आई आर (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd March, 1998

S.O. 596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 27-2-98.

[L-31011/2/97-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI :

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/49 of 1997

Employers in relation to the management of Mumbai Port Trust

AND

Their workmen

APPEARANCE :

For the Employer—Mr. M. B. Anchan, Advocate

For the Workmen—Mr. S. R. Wagh, Advocate

Mumbai, dated 29th January, 1998

AWARD

The Government of India, Ministry of Labour by its Order No. L-31011/2/87-IR(Misc.), dated 17-9-97 has referred to the following Industrial Dispute for adjudication :—

"Whether the action of the Chief Mechanical Engineer Bombay Port Trust, Mumbai, in not convening meeting of Departmental Promotion Committee to consider promotion to the post of Assistant Station Attendant Greaser, Electrician, Electrical Winder, Driver (Diesel) Senior scale in time and denial of promotion in favour of workmen is justified? If not, to what relief the concerned workmen are entitled?"

2. As per the above stated letter the Desk Officer also send an order of reference to the concerned parties directing them to appear before this Tribunal. The Secretary of the Tribunal also issued notices to the parties for appearing in the Court. They were duly served.

3. The Secretary of the Transport and Dock Workers Union, Mumbai filed an application (Exhibit-7) contending that the Industrial Dispute raised before the Assistant Labour Commissioner by their letter dated 27-4-91 was quite different then the reference which is send to this Tribunal for adjudication. He produced a copy of the letter alongwith the application. In the same letter it is mentioned that : In connection with holding of promotions due to procedural delay, we are enclosing herewith copies of letters exchanged with the BPT Administration for your ready reference.

Further it is also informed to us that due to recent wage revision, the junior employees in many of the categories are drawing more pay than their seniors. The pay fixation procedure is not yet completed and employees are made to suffer untold hardships for no fault whatsoever on their part. The matter was discussed with concerned Heads of Departments number of times but till date the issue remained unresolved.

4. The Secretary further submitted that under such circumstances the union wants to withdraw the reference which is relating to only one department that is Chief Mechanical Engineer Department. It is further submitted that they may be allowed to raise the common industrial dispute.

5. Mr. Anchan, the Learned Advocate for the Opponent had no objection for withdrawing this application and raising another dispute. Under such circumstances I pass the following order :

ORDER

The reference is disposed off for want of prosecution with permission to raise fresh Industrial Dispute before the Labour Commissioner.

29-1-1998

S. B. PANSE, Presiding Officer

नई दिल्ली, 2 मार्च, 1998

का.आ. 597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पारादीप पोर्ट ट्रस्ट के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-98 को प्राप्त हुआ था।

[एल-38012/1/91-आई आर (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd March, 1998

S.O. 597.-In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of Paradip Port Trust and their workman, which was received by the Central Government on 27-2-1998.

[No. L-38012/1/91-IR (Misc)]

B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch), Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 25 of 1992 (Central)

Bhubaneswar, the 2nd February, 1998

BETWEEN

The Management of Paradip Port Trust, Paradip, Cuttack-753001
..First Party-management.

AND

Their workman Sri Bansidhar Pradhan, represented through Paradip Port Workers' Union D-5, Badapadia Port, At/P.O. Paradip, Cuttack-754142
..Second Party-workman.

APPEARANCES :

Sri H. K. Mohanty, Dy. Secretary (Law)--For the First Party-management.

Sri S. N. Mohanty, General Secretary, Paradip Port Workers' Union--For the Second Party-workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication by this Tribunal vide their Order No. L-38012/1/91-IR (Misc.) dated 27-5-92 :—

"Whether the action of the management of Paradip Port Trust, Paradip by placing Sri Bansidhar Pradhan, Pump Operator Gr. III at Sl. No. 15 of the seniority list thereby making Sri Pradhan junior to others as mentioned in Sl. No. 1 to 12 of the seniority list of 1989 is justified? If not, to what relief the workman is entitled to?"

2. On 11-3-97 evidence of the aggrieved workman was closed whereafter the representative of the workman expressed in the Tribunal that there is every possibility of a settlement between the Union and the management concerning the dispute at hand. In pursuance to the same, both the parties have filed a memorandum of settlement purported to have been achieved at the instance of an outside agency. Therefore, the workman was re-examined in presence of the representative of the management. The workman asserted in his evidence that a settlement has been arrived between the Union and the management that :

- (i) Sri Bansidhar Pradhan should be given seniority over Sl. No. 1 to 12 of the seniority list of 1989 in the rank of Gr-III, Pump Operator ;
- (ii) Adhoc period of Sri Pradhan in the rank of Gr-II and Gr-I to be regularised from the respective date of his adhoc promotion ; and
- (iii) no financial relief to be given to Sri Pradhan.

3. This Tribunal is satisfied that the settlement arrived between the management and the union concerning the workman (W.W. No. 1) has not suffered from any illegality or extraneous consideration. There is no reason to disallow the settlement. Accordingly, the terms of settlement are accepted and an Award is passed.

Dictated and corrected by me.

M. R. BEHERA, Presiding Officer

नई दिल्ली, 20 फरवरी, 1998

कां०आ०. 598—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में बी०सी०सी०एल० के प्रबन्धतंत्र के संबद्ध निदेशकों और उनके कार्यकारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण (सं० 2), धनबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-98 को प्राप्त हुआ था ।

[सं० एल-20012/142/92-आईआर(सी-1)]

अजय कुमार, अनुभाग अधिकारी

New Delhi, the 20th February, 1998

S.O. 598.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 19-2-98.

[No. L-20012/142/92-IR(C-I)]

AJAY KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 170 of 1993

PARTIES :

Employers in relation to the management of Moonidih Colliery of M/s. B.C.C. Ltd., and their workmen.

APPEARANCES :

On behalf of the workman : Shri S. C. Gaur, Advocate

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 11th February, 1998

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(142)/92-IR.(Coal-I), dated, the 14th September, 1993 :

SCHEDULE

"Whether the action of the management of M/s. B.C.C.L. in accepting the age of workman Shri Sukur Dhobi, T. No. 2232 as assessed by the Apex Medical Board is justified? If not, to what relief the workman is entitled to?"

2. The facts giving rise to the present reference case may be stated as follows :—Shri Sukur Dhobi, the concerned workman was initially appointed by M/s. Raneejanj Coal Association Ltd., the erstwhile owner on 17-10-71 and was posted at Kustore Colliery. At the time of his appointment his age was recorded as 27 years as on 17-10-71. After appointment I.D. Card was issued to the concerned workman by the authority of Kustore Colliery and even after nationalisation of the Mines the date of birth of the concerned workman was shown as 27 years as on 17-10-71. The position in the Form B being a statutory register under the Mines Act was also the same in respect of entries of age of the concerned workman. Thereafter the concerned workman was transferred to Moonidih Project in the year 1975 and the management issued a L.P.C. showing therein also the date of birth of Shri Sukur Dhobi as 27 years as on 17-10-71. But curiously enough after transfer from Kustore to Moonidih Project the date of birth of the concerned workman was recorded as 37 years as on 17-10-71 ignoring the entries of the age of the concerned workman in the L.P.C. The concerned workman on repeated occasions requested the management for correction of his age in the relevant register of the management by correcting the age of 37 years as on 17-10-71 to 27 years but no purpose and as such finding on other alternative the concerned workman had no alternative but to raise an industrial dispute through the United Coal Workers Union before the ALC(C), Dhanbad for the purpose of correction of age as per entries in the record of Kustore Colliery where he was initially appointed. The action of the management in introducing the change in the register etc. in respect of the age of the concerned workman was illegal, baseless, mala fide and also in utter violation of the Circular of the JBCCI as well as against the company's own Standing Orders according to which the date of birth entered in the register initially can never be altered or changed. The management in the written comments before the ALC(C) in the dispute raised by the Union admitted the age of the concerned workman to be 27 years as on 17-10-71 and 37 years on the date was wrongly entered in the Moonidih Mines. Thereafter in the year 1987 the management sent the concerned workman to Apex Medical Board for his medical examination for the purpose of assessment of his age without disclosing the same before the concerned workman. The Apex Medical Board in the year 1987 assessed the age of the concerned workman and because of such assessment by the Apex Medical Board the concerned workman would be liable to be retired 4 years prior to the attaining of the age of superannuation as per entries in the records of Kustore colliery at the time of his initial appointment. The medical examination so held in the year 1987 was uncalled for and against the implementation instruction No. 76 of JBCCI as well as the certified standing orders of RCCL. Naturally the concerned workman has prayed for correction of his age as 27 years as on 17th October, 1971 as per entries in the records of Kustore Colliery at the time of initial appointment and for cancellation of the age assessed by the Apex Medical Board in the year 1987 by way of relief. The dispute in respect of the assessment of the age by the Apex Medical Board having referred to this Tribunal by the Labour Ministry, of the Government of India the present reference case has been registered. Hence the reference case.

3. The management of RCCL has filed W.S.-cum-rebinder as against the prayer of the concerned workman wherein the employer challenged the maintainability of the reference case etc. and at the same time has made out a case that the concerned workman was actually appointed on 17-10-71 and he declared his age at that time to be 37 years as per records

of the management. The management has also made out a case that service excerpt of different employees were circulated and the concerned workman disputed his age for which as per provision of Circular No. 76 of JBCCI the matter was referred to the Apex Medical Board for the purpose of assessment of age of the concerned workman because of the inconsistencies in respect of age contained in the records of the management including Form B where the age of the concerned workman has been shown as 37 years as on 17-10-71. The Apex Medical Board examined the concerned workman on 27-10-88 and assessed his age as 50 years on 27-10-88. The age assessed by the Medical Board is binding not only upon the management but the concerned workman as well as per circular of JBCCI for which the management had no scope to discard the age of the concerned workman so assessed by the Apex Medical Board. The demand of the concerned workman for accepting his age as 27 years as on 17-10-71 in view of such circumstances cannot be accepted in addition, the concerned workman has failed to produce any authentic evidence in support of his claim for which the management could not justify itself in refusing to accept the age of the concerned workman assessed by the Apex Medical Board. The workman concerned thus having failed to show that he was aged 27 years at the time of his initial appointment by producing any document or any better piece of evidence is not entitled to any relief and an Award to that effect should be passed.

4. The management by way of rejoinder has also denied the allegations of introducing any change in the relevant register in respect of the age of the concerned workman after his transfer from Kustore Colliery to Moonidih Colliery as mentioned in different paras of the W.S. of the concerned workman.

5. On the other hand the concerned workman has also filed a rejoinder in which the concerned workman has denied the contents of paras 2, 3, 4 and subsequent paras contradicted in which the claim of the concerned workman as mentioned in his W.S. to be false and baseless. In addition the concerned workman has also made out a case that since like so many others he is an illiterate worker he could not raise the dispute in time by asking the management for correction of his age immediately after circular of the service excerpt and as his age was recorded as 27 years as on 17-10-71 at the time of his initial appointment and even in the I. D. Card and other documents including L.P.C. the concerned workman has also claimed that he was under the impression that his medical examination by the Apex Medical Board was routine examination required once in every 5 years and it was not made clear or disclosed before him by the management that in fact such medical examination was being made for the purpose of assessment of his age because of any discrepancy appearing in the records of the management in respect of the age of Sukur Dhobi the concerned workman. The concerned workman has therefore again traversed in the rejoinder of the relief, proved for by him in the W.S. by rejecting the assessment of his age by the Apex Medical Board and by accepting his age as 27 years as on the date of his initial appointment i.e. 17-10-71.

6. The point for consideration and decisions are whether the age of the concerned workman was actually 27 years at the time of his initial appointment on 17-10-71 at Kustore Colliery and secondly whether the assessment of the age of the concerned workman by the Apex Medical Board at the instance of the management was justified.

DECISIONS AND REASONS

7. Both the above points are taken up together for the sake of convenience and brevity.

8. Both the parties have adduced oral as well as documentary evidence in support of their respective cases.

9. The concerned workman has examined himself and another named Diwaker Pd. Singh as WW-1 and WW-2 respectively on his side while the management has examined Shri R. C. Srivastava as MW-1 on their side. Both sides in addition to the oral evidence have proved certain documents. The documents admitted on the side of the management are Form B Register vide Ext. M-1, Report of the Medical Board vide Ext. M-2, service particulars of the

concerned workman vide Ext. M-3 and Service Book of the workman concerned vide Ext. M-4. The documents admitted on the side of the workman are I. D. Card of the concerned workman vide Ext. W-1, Application dated 22-1-92 vide Ext. W-2, and L.P.C. of the concerned workman vide Ext. W-3. WW-1 and WW-2 both have deposed in support of the contents of the W.S. of the concerned workman and also proved that the action of the management in sending the concerned workman to the Apex Medical Board for the purpose of assessment of age was not at all justified presumably for the purpose of showing that the age so assessed by the medical board should be rejected. Out of the two witnesses, WW-1 is the concerned workman. His evidence is that he was first appointed on 17-10-71 and at the time of his appointment his age was recorded as 27 years. The witness has also proved identity card he received after such appointment. He has also stated that in the year 1975 he was transferred to Moonidih Colliery and that he received service excerpt in the year 1990. It was only then he came to know that his age was recorded otherwise than his actual age as recorded at the time of his initial appointment. The witness has denied the fact of sending him to the Apex Medical Board for assessment of his age and that it was not within his knowledge that he was being examined by the Apex Medical Board for that purpose and WW-2 has supported WW-1 on all these points.

10. On the other hand MW-1 the witness on the side of the management has deposed in support of the contents of the W.S. and the rejoinder filed on the side of the management. The witness has also produced Form B register and the report of the Apex Medical Board showing assessment of age of the concerned workman. He has proved those documents. During cross-examination of the witness admitted that there is practice of periodical medical examination of the workers and the workers of the Colliery in which the concerned workman served are also subject to such periodical medical examination. But the witness has denied that the assessment of the age of the concerned workman was in fact routine check up rather the witness has claimed that such check up or examination of the concerned workman was not at all a routine check up but the examination was for the purpose of assessment of his age. The oral evidence thus adduced by the respective parties are on extreme opposite poles. It was however argued on the side of the workman that in fact there was no justification in sending the case of the concerned workman to the Apex Medical Board for the purpose of introducing any change in the records of the Kustore Colliery and even after transfer to the Moonidih Colliery in respect of age and for that purpose my attention was drawn to the L.P.C. wherein the age of the concerned workman was shown as 27 years as on 17-10-71. Similarly my attention was also drawn to the I. D. Card admitted in the evidence on the side of the workman and marked as Ext. W-1 wherein also the age of the concerned workman has been shown as 27 years as on 17-10-71. Then again it was submitted that the management admitted the age of the concerned workman as 27 years as on 17-10-71 in their correspondence before the ALC (C) Dhanbad in Ext. W-2 and by relying on those documents and on the basis of the oral evidence of WW-1 and WW-2 it was submitted that it was a fit case for holding that in case of Sukur Dhobi there was no scope to refer his matter to the Apex Medical Board for his medical examination for the purpose of assessment of age and as such the report submitted by the Apex Medical Board should be rejected and it should be held that the age of the concerned workman was 27 years on 17-10-71 the date of his initial appointment at Kustore Colliery. On the other hand learned Advocate on the side of the management submitted that in fact there was discrepancy in the records of the management in respect of the age of the concerned workman for which it was quite justified on the side of the management to refer the case of the concerned workman Sukur Dhobi to the Apex Medical Board for the purpose of assessment of his age as per Circular of JBCCI and for that purpose learned Advocate has drawn my attention to Circular No. 76. Then again it was submitted by the learned Advocate for the management that in fact Form B Register if looked into the same will show that in fact there was discrepancy in respect of the age of the concerned workman and as such the management was quite justified under JBCCI circular to refer the case of the concerned workman to the Apex Medical Board for the purpose of assessment of his age. The management after receipt of the report of the Apex Medical Board has corrected the Form B Register in consultation of the report and the

same has to be treated as final having no scope to discard such report. So far examination of the concerned workman by the Apex Medical Board is concerned there is no dispute over the same save and except that as per say of the concerned workman such medical examination of the workman was routine check up. The learned Advocate on the side of the workman relied much upon Ext. W-2 the correspondence by an officer of the management to the ALC (C) Dhambad wherein the age of the concerned workman is said to have been admitted as 27 years. On perusal of Ext. W-2 I find that in fact there is mention of such averment in that letter but if the contents of the letter is taken as whole in that case such averment cannot be treated to be of any help to the concerned workman in as much as the party relying on a document must accept it as a whole and there is no scope to pick up a portion of the contents of such document which is favourable to him and discard the rest which is not as has been done the instant case is relying upon a part of Ext. W-2. Then again much has also been argued on the side of the workman about the entries as to the date of birth in the identity card vide Ext. W-1 of the concerned workman. On careful perusal or look to the identity card it will show that as against the column the date of birth entries "27 years on 17-10-71" are but subsequent insertion therein and that too in different ink. This document is coming from the possession of the concerned workman and scope of such insertion of the date of birth by the concerned workman cannot altogether be ruled out. In the instant case as is evident from the papers filed on the side of the management and from the evidence of the workman as well as the management since there was dispute in respect of the age of the concerned workman at the time of his initial appointment the management was quite justified in referring the case of the concerned workman to the Apex Medical Board for his medical examination for the purpose of assessment of age. The report submitted by the Apex Medical Board and the age assessed by the Board is liable to be accepted in view of the JBCCI Circular No. 76 as final so far the age of the concerned workman is concerned.

11. Thus in view of the facts and circumstances of the case and in view of what have been stated above I am unable to hold that Sukur Dhobi, the concerned workman was actually aged 27 years on 17-10-71 on his initial appointment or even to come to a finding that the action of the management in referring the case of the concerned workman to the Apex Medical Board for his examination and assessment of age to be unjustified. The conclusion that can be arrived at is that the action of the management of M/s. BCCI in accepting the age of the concerned workman as assessed by the Apex Medical Board is quite justified and the concerned workman is not entitled to any relief in this reference case.

This is my Award.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 24 फरवरी, 1998

का.आ. 599 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार एवं आई. सी. एफ. इंडिया के प्रबंधन के सदस्य नियोजकों और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पक्ष को प्रकाशित करती है जो केन्द्रीय सरकार को 23-2-1998 को प्राप्त हुआ था।

[सं. पत्र-17012/17/96-आर्. आर. (बी-II)]

सनातन डेस्क अधिकारी

New Delhi, the 24th February, 1998

S.O. 599.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as 668 GI/98—13

shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 23rd February, 1998.

[No. 1-17012/17/96-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DEOKI PALACE, ROAD, PANDU NAGAR.

Industrial Dispute No. 25 of 1996

In the matter of Dispute between :

Sh. S. L. Shukla,
General Secretary,
Central Zone National Insurance Association
70-D, Shyam Nagar Kanpur.

AND

Senior Divisional Manager,
L.I.C. Divisional Office,
16/98, Mahatma Gandhi Marg,
Kanpur.

Appearance :

Km. Neeta Mathur for the workman.

Shri V. K. Gupta for the Management.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-17012/17/96-I.R. (B-2) dated 29-2-96 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of LIC of India Kanpur in not affording an opportunity of re-employment to Sri R. C. Tripathi Typist/Clerk in accordance with the provisions of Section 25-H of the I.D. Act 1947 after terminating his services w.e.f. 20-7-91 is legal and justified? If not, to what relief is the said workman entitled to?"

2. The case of the concerned workman is that he was engaged as Typist by the opposite party L.I.C. on 17-2-88. He worked upto 20-7-91 thereby worked 240 days in a year. At the time of termination no notice pay and retrenchment compensation was given. Further there has been breach of Section 25H I.D. as new hand were appointed and he was not given opportunity. Further according to NIT award as he has completed 240 days in calendar year he was entitled for absorption.

3. The opposite party LIC has filed reply that the concerned workman was engaged for fixed time and he had not completed 240 days. He was entitled for benefit of NIT award.

4. In the rejoinder nothing new has been alleged.

5. The concerned workman was given repeated opportunity to prove his case but he fail to do so. Ultimately he was debarred from giving evidence on 21-11-97. As the case of the concerned workman

has been denied by the opposite in every respect. The concerned workman ought to have adduce evidence to prove his case. In the absence of such evidence it is held that the management had not flouted any provision of 25-F or H. I. D. Act.

6. Consequently he is not entitled for any relief. I award accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 फरवरी, 1998

का.प्रा. 600.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-1998 को प्राप्त हुआ था।

[सं. एल-12012/383/94-आई.प्रार.-बी-II]
सनातन, डैस्क अधिकारी

New Delhi, the 24th February, 1998

S.O. 600.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 23-2-1998.

[No. L-12012/383/94-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 75 fo 1995

In the matter of dispute :

BETWEEN

General Secretary
Bank of Baroda Staff Association
Madhav Bhawan
15/22-A Civil Lines
Kanpur.

AND

Regional Manager
Bank of Baroda
R.O. Civil Lines
Allahabad.

APPEARANCES :

Shri B. P. Saxena—for the workman.

Shri V. K. Gupta—for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/383/94 I.R. (B-II) dated 16-6-95 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Bank of Baroda, Allahabad in refusing to pay the difference of Head Cashier Category 'E' and Head Cashier

Category 'C' allowance to Sri Kamlesh Kumar, the then Head Cashier Category 'C' for the period from 21-3-85 to 16-8-90 is justified ? If not to what relief is the said workman entitled ?

2. The case of the concerned workman Kamlesh Kumar is that he was performing the duties of Head Cashier Category 'C' at G.T.B. Allahabad Branch of the opposite party Bank of Baroda. While discharging these duties the branch manager also ordered the concerned workman to hold the key of safe deposit Vault alongwith the keys of cash safe. This is the duty of Head Cashier Grade 'E'. In this way as he had performed duties of Head Cashier Grade 'E' from 21-3-85 to 16-8-90 he is entitled for difference of special allowance between that which payable to Head Cashier Grade 'E' and Grade 'C'. In fact the opposite party has already paid Rs. 1467 on 18-12-91 by way of difference of wages in part. Now the opposite is not pay the balance of difference of wages.

3. The opposite party has filed reply in which it has been alleged that work attached to Category 'E' was not taken, hence the concerned workman is not entitled for difference of allowance. The part payment of Rs. 1467 was wrongly made hence further payment was not made. By way of details it was pointed that safe deposit Vault and locker are also housed in the strong room. But the concerned workman was not require to operate it.

4. In the rejoinder nothing new has been alleged.

5. None of the parties adduce any evidence. From the above pleadings of the parties it become obvious that it was per chance that Safe Deposit Vault and locker are also located in the strong room. Surely he has to handle the key as. In my opinion it is immaterial if under peculiar circumstances the concerned workman has been required to handle to key of Category of Head Cashier 'E' hence he will be entitled for allowance of Head Cashier 'E'. It is immaterial if he has to operate locker or not. In terms of settlement of which reference has been made in para 9 of the claim statement the concerned workman is become entitled to get special allowance of Category 'E'. The management had admitted that it has been paid Rs. 1467 in part. I do not agree that this payment has been made under wrong impression.

6. In the end my award is that the concerned workman is entitled for special allowance to Head Cashier of Category 'E' between 21-3-85 to 16-8-90.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 फरवरी, 1998

का.प्रा. 601.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 फरवरी, 1998 को प्राप्त हुआ था।

[सं. एल-12012/221/95आई.प्रार.बी-II]
सनातन, डैस्क अधिकारी

New Delhi, the 24th February, 1998

S.O. 601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 23-2-1998.

[No. L-12012/221/95-IR (B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No 103 of 1996

In the matter of dispute :

BETWEEN

Mahasachiv
U.P. Staff Association
3/192 Viramkhand
Gomti Nagar
Lucknow.

AND

UP Mahaprabandhak
Union Bank of India
20-Kapoorthala
Complex Aliganj
Lucknow.

APPEARANCES :

Sri P. K. Tiwari—for the Union and
Sri M. L. Agrawal—for the Union Bank of India,
management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/221/95-I.R. (B-II) dated 11/16-10-96 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Union Bank of India Lucknow to recover the salary paid for the period from 7-10-90 to 6-11-90 on account of absence from duty of Sri S. C. Agrawal clerk, Union Bank of India, Mathura, is legal and justified? If not, relief, the workman is entitled to?

2. Following facts are not in dispute—

The concerned workman Suresh Chandra Agrawal was posted as Clerk-cum-Cashier at Mathura Branch of the opposite party Union Bank of India. He was transferred to the office of Regional Manager Bareilly by order dated 25-5-90. By order dated 27-8-90 he was sent to Adarshmandi Bareilly Branch. By order dated 27-9-90, the concerned workman was transferred to Firozabad Branch. Any how he remained on leave between 1-10-90 to 6-11-90.

3. The case of the concerned workman is that on 7-10-90 he went to report at Firozabad Branch but he was not allowed to join till 6-10-90. He has not been paid wages for this period as well. As this absence was not due to fault of the concerned workman he was entitled for salary for this period.

4. The opposite party bank in its written statement has alleged that concerned workman did not report for duty on 7-10-90 at Firozabad at all. Instead he was adamant for joining at Mathura and actually went there to join but was not allowed to do so. The concerned workman continued to remain absent from 7-10-90 to 6-11-90 hence he is not entitled for wages for this period.

5. In the rejoinder nothing new has been alleged.

6. In support of his case, the concerned workman S. C. Agrawal WW-1 has stated that he went to join at Firozabad Branch on 7-10-90 but was not allowed to do so. This fact has been denied by branch manager MW-1. Besides the concerned workman has filed Ext. W-1 to W-102, but none of these papers have any bearing on the point in controversy. They are not in the nature of correspondence entered into between the Union and opposite party bank. Some of them also relate to fact which are not admitted to both the parties. The management has filed papers Ext. M-1 to M-14. They do not touch the point in controversy.

7. In my opinion, if the concerned workman had actually gone to report at Firozabad on 7-10-90 and was prevented from joining he could have sent a registered notice to Regional Manager about the wrongful act of the branch manager. In the absence of such conduct and having regard to the admissibility of the concerned workman for remaining posted at Mathura I am not inclined to believe his version.

8. Accordingly it is held that the concerned workman did not report on duty on 7-10-90 and remained absent unauthorisedly till 6-11-90, hence he has been rightly denied salary for this period.

9. Accordingly my award is that the action of the management in denying wages for the above mentioned period is justified and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 फरवरी, 1998

का.आ. 602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में से केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 23-2-1998 को प्राप्त हुआ था।

[सं. एल-12012/03/94-आई. आर. बी-II]

सनातन, डेस्क अधिकारी

New Delhi, the 24th February, 1998

S.O. 602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 23-2-1998.

[No. L-12012/3/94-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 37 of 1994

In the matter of dispute :

BETWEEN

Devi Deen Singh
Village Bkariya Bujurg
P.O. Kanawan via Bihar
District Pratapgarh.

AND

Regional Manager
Allahabad Bank
42-A SP Marg
Allahabad.

APPEARANCES :

Sri M. K. Verma—for the management and
Sri B. P. Saxena—for the workman.

AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/3/94-IR. (B-II) dated 6-4-94, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of Allahabad Bank Jaunpur in dismissing Shri Devi Deen Singh Cashier incharge from service with effect from 29-8-92 is justified? If not, what relief is the said workman entitled to?

2. The concerned workman Devi Deen Singh was working as Head Cashier at Jaunpur Branch of the opposite party Allahabad Bank. He was issued chargesheet dated 23-1-92 which runs as under—

Aroppatra

Sri Devi Deen Singh द्वारा किये गये कर्म्या के सम्बन्ध में उपर निम्ना आरोप लागे हुए हैं—

दिनांक 2-12-91 को शिक्का प्रबन्धक द्वारा केश बन्ध करते समी जांच करने पर 26 packet में नोट कम पाये गये. Es prakar kul Rs. 26,100 rupay Chhabis Hazar ek sau kam paye gaye va kam note ke sthan par 8 packet me radon lagaj lage mile. Yaise sabhi packets ke upar Sri Singh ke hastakshar the, esse prait hota hai ki Sri Singh ne sabhi prakar ke bandalo se note nikalne aur bank ko dhokha dene ki niyat se unhone yeh karya janboojh kar kiya. Es prakar Sri Singh ne bank ko anek chhati penuchai bank as dhokhachari ki.

Sri Singh द्वारा किये गये उपरोक्त कर्म्या प्रथम द्वि-पक्षीय समझौता 1966 की धारा 19.5(j) के अन्तर्गत गोर अप्रिध दुराचरण है। श्री सिंह के साथ दी जाती है कि वह इस आरोपत्रा की पीढ़ी के सात दिनों के भीतर अपना स्पष्टिकरण दे, यदि सात दिनों के अन्दर उनका कोई स्पष्टिकरण नहीं प्रप्रा होता है तो वे समाज जयगा की उसको इस सम्बन्ध में कोई स्पष्टिकरण नहीं देना है तथा श्री सिंह आरोप (charge) swecker करते हैं। आत तदनुसार नापे अनुशासनिक कार्रवाई की जायेगी।

Sd/-

Sitaram Chaturvedi
Kshetriya Prabandhak
va
Anushashnatmak Adhikari

S. C. Pande was appointed Enquiry Officer. During the course of enquiry on the first date of hearing, the concerned workman on 22-4-92 pleaded guilty, hence without further recording any evidence, the Enquiry Officer submitted his report on 22-5-92 holding that the chargesheet was proved. A show cause notice dated 11-6-92, was given to him. He submitted his reply on 2-7-92. Thereafter, he was dismissed from service vide order dated 29-8-92. Feeling aggrieved the concerned workman has raised the instant industrial dispute.

3. It was alleged that enquiry was not properly and fairly held. It was further alleged that admission was obtained under duress. In any case he had no hand in this misconduct.

4. On the other hand the opposite party maintained that enquiry was fairly and properly held and the concerned workman was actually guilty of this misconduct as noted in the chargesheet. On the pleadings of the parties a preliminary issue regarding fairness and propriety of domestic enquiry was framed. Vide finding dated 17-11-97, it was held that enquiry was fairly and properly held. Thereafter date was fixed for hearing on the quantum of punishment. During the course of arguments it was alleged by the authorised representative of the concerned workman that the branch manager was equally responsible for this shortage as cash was in dual control of the concerned workman and the branch manager. Hence, branch manager was also responsible. When he has not been punished the concerned workman should also not be punished. This contention appears to be without substance. A bare perusal of chargesheet would go to show that the concerned workman was alleged to have misappropriated the amount in his individual capacity and this fact was admitted to him. When any wrongful act

is committed single handedly, question of liability of other person could not arise at all. Hence, the question of discrimination also does not arise. Accordingly this submission of the authorised representative for the concerned workman is negatived. Any how having regard to the fact that the concerned workman had indulged in misappropriation of the money of the bank, naturally it involves loss of confidence. In such a case a thing short of dismissal would be just and proper punishment.

5. Accordingly my award is that the concerned workman was guilty of misconduct of misappropriation of money and as such punishment is not disproportionate. Hence, the action of the management in dismissing the concerned workman from service is not bad and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली 24 फरवरी, 1998

का.आ. 603.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 17) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संबंध में निोजकों और उनके कर्मचारियों के बीच, अनुच्छेद में विनिर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार के औद्योगिक अधिकरण-II, मुंबई के प्लेट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-2-89 को प्राप्त हुआ था।

[स. पं-12012/318/95-प्रार्. अर. बी-II]

सनातन, ईस्क अधिकारी

New Delhi, the 26th February, 1998

S.O. 603.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 24-2-98.

[No. L-12012/318/95-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT:

Shri S. B. Pande, Presiding Officer.

Reference No. CGIT-2/18 of 1997

Employers in relation to the Management of Bank of India.

AND

Their Workmen.

APPEARANCES:

For the Employer: Mr. L. L. D'Souza, Representative.

For the Workmen: Mr. P. D. Patel and Mr. V. H. Bhadha, Representatives.

Mumbai, the 5th February, 1998

AWARD—PART-I

The Government of India, Ministry of Labour by its Order No. 1-2/12012/318/95-IR(B-2), dated 14-3-96, had referred to the Industrial Dispute as mentioned in the schedule to the Labour Court, Pune. The Federation thereafter made a representation to the Ministry requesting for transfer of the reference to the Tribunal at Bombay. Accordingly the ministry transferred the reference to this Tribunal. The schedule appended to the reference is as follows:

"Whether the action of the management of Bank of India, Pune in dismissing Shri Prakash V. Shukla, Spl. Assistant, Main branch, Pune from service w.e.f. 4-7-94 is legal and justified? If not, to what relief is the said workman entitled to?"

2. The Secretary of the Federation of Bank of India's Staff Union filed a Statement of Claim at Exhibit-5. Prakash Shukla, Special Assistant at Pune Main Branch was working with the Bank of India for about 31 years. He worked sincerely and diligently and his service record is clean and unblemished. He is one of the leading union activities and fighting for the cause of the members of the union. This is the main reason he has become an Eye sore of the management. More particularly the Chairman Mr. Dahotre.

3. Prakash Shukla was issued a charge-sheet dated 12-3-93. It is alleged that he committed an offence of moral triptitude which is infact a false allegation having no connection with the employee-employer relationship or contract of employment at all. It is averred that apart from anything else the subject matter of the chargesheet is beyond the disciplinary jurisdiction of the bank. It is set out and confined within certain limits of the Bi-partite settlement dated 19-10-66.

4. The Federation pleaded that the domestic inquiry was initiated against the workman. The workman asked for permission to appoint the advocate to defend his case. The management illegally refused the permission. He was not given proper opportunity to defend himself. It is asserted that the inquiry is nothing but total disregard to the Principles of Natural Justice. It is averred that the inquiry officer did not allow Mr. Shukla to cross-examine the management witness at length and cut short the cross-examination of the investigating officer and others. It is averred that the preliminary investigation report was not produced before the inquiry officer which is basis of the inquiry, resulting into violation of Principles of Natural Justice. It is submitted that the disciplinary authority had prejudged the issues at the time of issuing a chargesheet.

5. The Federation submitted that the Chairman gave his statement in the 'Daily Sakal' dated 17-6-94 contending that Shukla had been dismissed before the completion of the inquiry. That clearly speaks out determined mind of the management. It is averred that it is flagrant violation of the Principles of Natural Justice. It is pleaded that even-though there was civil suit on the basis of the complaint in the other court the management did not stay this proceeding till its disposal.

6. The Federation averred that the findings of the inquiry officer are perverse. She did not consider the evidence lead by the workman's witnesses and had given undue weightage to the evidence lead by the management.

7. It is averred that Chapter-19 of the Bi-partite Settlement lays down the procedure for disciplinary action against the bank employees. Para 19.2 deals with what is meant by offence. It states that any offence involving moral triptitude for which the employee to conviction and sentence under any provisions of law. Para 19.3(a) thereof stipulated that when in the opinion of the management the employee has committed an offence, unless he be otherwise prosecuted, the bank may take steps to prosecute him or get him prosecuted and in such a case, he may also be suspended. It is averred that the management failed to take cognisance of the procedure laid down in the Bi-partite Settlement in case of domestic inquiries and had acted against the Principles of Natural Justice.

8. The Federation averred that the disciplinary authority and also the Appellate Authority did not consider the submissions made by the workman in its proper prospective. It is averred that the action which is taken by the management in dismissing the workman w.e.f. 4-7-94 is legal. It is therefore prayed that the workman be reinstated in service in continuity alongwith Full back wages.

9. The management resisted the claim by the written statement (Exhibit-9). It is averred that Shukla was chargesheeted for certain acts of misconducts alleged to have been

committed by him. The list of the chargesheet issued to him is as under:

"By misusing your position as General Secretary of Bank of India Staff Union, Pune, you solicited Smt. Arti Sanjay Karlekar, Staff-clerk of Bank's Chakan Branch quite often in order to satisfy your passion against her will and without her consent, from August, 1991 to September, 1992 by adopting various methods of pressure tactics and intimidation, there by causing continuous harassment and injury to her mind and reputation, resulting in her failure to concentrate on official work, and consequently reducing her efficiency in discharge of her official duties as well as affecting her peaceful family life, which is incompatible with good conduct and thereby putting the bank into embarrassing position as it is having direct bearing/nexus and correlation on the working of the staff and the organisation and, therefore, prejudicial to the interest of the Bank."

10. It is averred that the domestic inquiry which was conducted against the workman was as per the Principles of Natural Justice. The charge-sheet was clear. All the facts of misconduct alleged to have been committed by him are narrated therein. He was allowed to be permitted to be defended by representative of the trade union of bank employees as provided in the Bi-partite Settlement but he chose to defend his case by himself. The bank witnesses were examined in his presence which he cross-examined and also examined his witnesses. It is averred that the documents relied on by the bank were supplied to workman well in advance before the cross-examination. It is submitted that for all these reasons it has to be said that the inquiry officer while conducting the inquiry had followed the Principles of Natural Justice.

11. It is pleaded that the inquiry officer had given different reasons for her conclusions. It is asserted that she considered the evidence of management and that of workman before her in a rational way and had come to the right conclusions. After giving full hearing she came to the conclusion that the charges are proved. It is pleaded that the disciplinary authority gave a show cause notice dated 13-5-94 proposing there in a punishment of dismissal without notice to the workman. The copy of the findings of the inquiry officer was also enclosed alongwith the show cause notice. The workman was given an opportunity to make his submissions to the disciplinary authority on the proposed punishment of dismissal without notice.

12. The management asserted that the workman was given a personal hearing by the disciplinary authority when he made oral submissions so also written submissions. They were considered by the disciplinary authority and the proposed punishment of dismissal from service without notice was ordered on 4-7-91. It is submitted that the Appellate authority also heard the workman in person alongwith one Shankar Joshi his defence representative on 27-9-94 and after careful consideration the Appellate authority confirmed the punishment of dismissal without notice.

13. The management pleaded that the Bi-partite Settlement dated 19-10-66 has in detail laid down various provisions to be followed in the matter of disciplinary action against Award staff working in the bank. The word used there in had a great significance and the management had rightly followed the same. It is asserted that the case of the workman were considered by the management properly and then only issue a charge-sheet. It is denied that the charge-sheet is illegal. It is pleaded that if the Tribunal comes to the conclusion that the domestic inquiry which was held against the workman is against the Principles of Natural Justice then in that case an opportunity may be given to the management to lead evidence to justify its action. It is submitted that the punishment which is awarded to the workman is just and proper looking to the charges proved. It is therefore prayed that the action of the management should be declared to be justified and the demand of the workman for reinstatement should be rejected.

14. The issues are framed at Exhibit-32. The following are the preliminary issues. The issues and my findings thereon are as follows :

Issues	Findings
1. Whether the domestic inquiry which was held against the workman is against the Principles of Natural Justice	No.
2. Whether the findings of the inquiry officer are perverse and not based on the evidence before her ?	Findings are not reverse and are based on evidence before her.
2A. Whether the management of the bank had jurisdiction to take cognisance of private complaint in employee employer relationship ?	Yes, the Complainant being an employee of the bank.

REASONS

15. To bolster up the case the Federation examined Prakash Shukla at Exhibit-50, the workman. They also examined Tehemaswari Kelavala (Exhibit-53 Ex-Joint Secretary of the Federation), Sane (Exhibit-54), D. N. Agashe (Exhibit-55), Shankar S. Joshi (Exhibit-57). As against that the management examined Mrs. Asha Dongrey (Exhibit-59), the inquiry officer. They relied upon the documents produced in the inquiry proceeding. The workman also tried to produce some documents. At Exhibit-63 with a view to show that the inquiry officer was bias.

16. The management was directed to produce the complaint given by Mrs. Kardekar. Mr. S. S. Das (Ex-64) employee of the bank filed an affidavit contending that the original Complaint dated 6-1-1993 of M/s. Kardekar is not traceable and could not be produced.

17. Certain facts can be said to be not in dispute. Prakash Shukla is an active member of the Bank of India staff union. He served the bank for about 31 years and at the relevant time special assistant at main branch of the bank at Pune. He was the General Secretary of the union and was office bearers of the Federation. Being the General Secretary he represented the grievances of the employees before the management and sought redress. He appeared before the Labour Commissioner for the employees. He also appeared before the Industrial Tribunal for getting reliefs to the employees.

18. Mrs. Kardekar the clerk was posted at Chakan branch of the bank in Pune district. It is about 40 km. away from Pune. She resides at Pune along with her husband and children. She travels everyday from Pune to Chakan to attend the duties. At some point of time she could not get the temporary transfer to Pune on the medical ground and also to meet out family problems. She made a representation to the bank to transfer her at Pune.

19. She also approached Mr. Shukla who was the General Secretary of the Union of which she is a member. It is common knowledge that employees approach their union officer bearers to get transfer or any other reliefs they want from the management. It appears that in spite of getting relief from Mr. Shukla the worker was solicited by the workman to satisfy his passion against her will and without her consent between August '91 to September '92 by adopting various methods of pressure tactics and intimidation. Ultimately she gave a complaint dated 6-1-93 to the management, President of the Union and so many other persons. The Chairman thereafter gave a direction to investigate the matter. Mr. Pugalenthy made an investigation by recording statement of different persons and submitted his report. After getting the report the management decided to initiate a departmental inquiry against the workman.

20. By letter dtd. 12-3-93 (Annexure A, pg. 1) it informed the worker that they have decided to initiate a departmental inquiry against him and appointed one Mr. F. Martis,

Regional Manager of Nasik to investigate the matter and he was informed what is to be done in the inquiry. The chargesheet dtd. 12-3-93 (Annexure-A, pg. 3) was served on the workman. He received the same. I may mention it here that later on as Mr. Martis was very busy in his work as appointment as inquiry officer was cancelled and in his place Mrs. Asha Dongrey was appointed. She completed the inquiry and given the report.

21. While narrating the facts I had given the gist of the charge-sheet. After perusal of the charge-sheet it can be seen that after giving the gist in each paragraphs as the alleged act of the worker is mentioned. There are many acts which according to the management has a cumulative effect resulted into framing of the said charge. It is not necessary for me at this juncture to reproduce the whole charge-sheet. It can be said that it is a charge-sheet based on facts.

22. The workman admittedly gave an application seeking permission for appointment of advocate to bank to defend him in a domestic inquiry. It was on the ground that the presenting officer is a law graduate. There was another contention that his defence representative might be busy in the industry. Therefore he needs to appoint an advocate. It is very much clear that the presenting officer has never practised as an advocate. He is only a law graduate. In other words he had no practical experience as an advocate. There is a difference between legally trained person and law graduate. It is common knowledge many people are desirous to know what is law. Therefore they get themselves appeared for the law examination and get the degree. Having a degree does not mean that he is a legally trained person.

23. The position of the workman is to be seen in the matter. He is high profile worker. For many years he is General Secretary of the Association of Bank of India, he is member of the managing body of the Federation. In other words he knows how to safeguard the interest of the employees and particularly the members of their association. It is not in dispute that the workman had defended the employees before Regional Labour Commissioner and before Industrial Tribunals. This being the position one has to say that his position appears to be on a higher footing than that of the Presenting Officer.

24. The workman in his evidence or in the pleading had only contended that he was not allowed to be represented by advocate by the bank. That is not sufficient for coming to the conclusion that it is against the Principles of Natural Justice. He has to establish what prejudice is caused to him by that or atleast there must be evidence on the record suggesting that the refusal of an advocate to defend the case has prejudiced his interest. After perusal of the inquiry proceedings it can be seen that the workman had thoroughly cross examined the management witnesses, who had examined 35 defence witnesses and produced documents on the record. Not only that his whole approach to the proceeding clearly speaks that he knows what is to be done and at what time, at the time of the domestic inquiry

25. Paragraph 19.2 (III) of the Bi-partite settlement states that 'with the banks permission by a lawyer. In other words the charge-sheeted employee is allowed to be represented by a lawyer with the banks permission. Here the bank had refused such a permission while doing so the disciplinary authority had given cogent reasons. They have justified their action by rejecting the permission.

26. In Harinarayan Shirvastva Vs. United Commercial Bank and Anr. Supreme Court of India 1997 II CLR SC 16. the charge was for a serious misconduct for sanctioning a loan of Rs. 2,80,000. The Bank did not allow the workman to be represented by an Advocate when Presenting Officer of the Bank was a law graduate.

A criminal case was also instituted against him on the same facts. Their Lordships observed that it is bank's option to give a permission or not. After perusal of the chargesheet it is found that the allegation are very simple and they are not complicated. Therefore the rejection of bank for representing through an Advocate found to be justified and there is no violation of the Principles of Natural Justice. The management relying on the ruling submitted that on the same analogy the action of the bank is to be justified. I am in agreement with them for the reasons stated above.

27. In another case viz. *Sadanandan Nair Vs. Central Bank of India* 1997 II LLJ 542, Their Lordships observed that the employee got engaged a lawyer only with the permission of the bank and as there is no evidence how a prejudice was caused to the workman by refusal it cannot be said that it is against the Principles of Natural Justice. I also rely on this authority for the reasons given above. The workman placed reliance on the case reported in *Board of Trustees Port of Bombay Vs. Nadkarni* SC 1983 I LLJ; *Union of India Vs. V. K. Nair* 1986 I LLJ 124 and 1991 LAB IC 1008. It can be seen that the facts of these cases are quite different than the facts before me which I have already discussed above. Under such circumstances the ratio given in these authorities cannot be said to be applicable to the present set of facts. In other words the contention of the workman that the refusal of the bank to appoint him a lawyer in a domestic inquiry has caused prejudice and is against the Principles of Natural Justice is without any base. It cannot be accepted.

28. The next contention of the worker is that he is not supplied with the preliminary investigation report which was given by Mr. Pugalenthay by the bank. The inquiry officer in her report and in her testimony in categorical term has stated that she had not relief upon that report. Pugalenthay had lead oral evidence before the inquiry officer is only for a limited purpose viz. that he carried out the preliminary investigation in the matter and had recorded statement of different witnesses and come to a particular conclusion. He had given that report to the management. On the basis of that report the management issued a show cause notice to the workman. In fact as the management did not rely upon that report and it is not the basis of the report of the inquiry officer the workman had not right to call it. I find no illegality or irregularity committed by the management in not supplying a copy of that report to the worker.

29. In *Tata Engineering and Locomotive Co., Vs. Prasad* 1969 II LLJ 799, the Tribunal come to the conclusion that the inquiry was defective as the company failed to produce a preliminary report on the strength on which the charges were framed against the workman. Their Lordships

negated the contention stating that the report was collected by the management to satisfy itself whether disciplinary action could be taken against the worker or not. It did not form part of the evidence not it was used for arriving on the findings by the inquiry officer. The Principle laid down in this authority is aptly applicable to the present set of facts.

30. In *M/s. Narayan Dattatray Ramteer Thakur Vs. State of Maharashtra* 1997, 76 FLR 976 Their Lordships observed that the preliminary inquiry had nothing to do with the inquiry conducted after issued of the charge sheet. The former action would be to find out whether the disciplinary inquiry should be initiated against the delinquent. After full fledged inquiry the preliminary inquiry loses its importance. The ratio in this authority has application to the facts before me. For all these reasons I find that there was no need for the management to supply a copy of the inquiry report to the workman.

31. It is tried to argue on behalf of the workman that when the inquiry officer gave a ruling in respect of not calling of the documents of the investigating report she did not peruse the same. It caused prejudice. I do not find any merit in this contention. What she has to do is to see whether she is relying on it or whether management is relying on it and then the further question of the calling of the documents and supplying its copy to the charge sheeted employee comes into picture. I therefore find that there is no illegality much less irregularity committed by the inquiry officer for not calling the documents before giving any ruling.

32. The Federation tried to submit that the inquiry is vitiated because the worker was not allowed to cross examine all the witnesses to the full length. It has caused prejudice. I do not find the slightest merit in this submission. The inquiry officer is not a silent spectator, she is to control the proceeding before her. He has to see that the witnesses have given justice for coming before it and deposing. It is not that they should be allowed to be harassed by the parties concerned.

33. After perusal of the inquiry proceedings it can be seen that the cross-examination of Pugalenthay Mr. and Mrs. Karlekar, Mrs. Purandata & Mrs. Devgiri-kar was restricted. It is to be seen that when these restrictions were laid down by the inquiry officer the workman had sufficiently cross-examined these witnesses. They are cross-examined in pages after pages and hours after hours. There is nothing to show that the worker was prejudiced by stopping his cross-examination. It is very clear that there is repetition, many of the questions were unnecessary and not confined to the chargesheet or related to the same. I may illustrate it here that the cross-examination of Pugalenthay was conducted for four days running into 62 pages. I have already stated above the testimony of Pugalenthay was only for a limited purpose that he recorded the statements of witnesses and nothing more. So far as Mrs. Karlekar is concerned it was going on for 26 days in 286 pages and

that of Mr. Karlekar for four days running into fifty pages. So far as Mrs. Purandhare is concerned it was for three days and 15 pages and so far as Mrs. Devgirikar it is for two days running into 12 pages. Mrs. Dongrey (Exhibit-59), the inquiry officer in categorical terms had affirmed that she had given sufficient opportunity to cross-examine the witness but when she found that the questions which are put by the workman are irrelevant and not necessary to disprove the charge she stopped it. I find justification in her action.

34. The workman examined Mr. M. R. Sane (Ex-54); Mr. D. N. Agashe (Exhibit-55); contending that the questions which were put to them were disallowed but they accept the position that the inquiry officer disallowed those questions by giving ruling over it. I find rationalism in her ruling by rejecting the same.

35. Anand Bazar Patrika Vs. Their Employees 26 FJR 168 Their Lordships observed that the inquiry officer got every right to disallow the questions which are not relevant. This is the case exactly what had happened in the present matter. I rely upon the ratio in the above said authority.

36. It is tried to submit that when the worker objected for the questions which were put by the Presenting Officer, were allowed. It is common knowledge that such type of argument is always made but in this particular case I find the same without any merit. There are some questions which were disallowed by the inquiry officer. But again nothing is shown by the workman in his testimony that how those questions were relevant and by not allowing the same what prejudice is caused to him. For all these reasons I find that the inquiry officer had been right in curtailing the cross-examination of the witnesses and disallowing the questions which she found irrelevant. The inquiry cannot be said to be vitiated on that ground.

37. It is tried to argue that the charge is vague. There should be detailed particulars of time place and other materials. I have already referred to above the just of the charge-sheet. After perusal of the charge-sheet it can be seen that it is very clear in the dates, the place and the narrations of the incident are mentioned parawise. There is no ambiguity in it. The workman thoroughly understood the same. He had given explanation to it. The matter does not rest here. From the cross-examination of these management witnesses which came forward for establishing those charges it is very clear that the workman tried to disprove the charges. It cannot be forgotten that this is not a criminal trial. The whole outlook of the workman in this proceeding appears to be that it is a criminal trial and the evidence which is required in a criminal proceedings, is required here. The procedure which is followed there in should have been followed here. It is established principle that Evidence Act or any procedural law is not applicable in a domestic inquiry. The inquiry officer has to evaluate the evidence on the preponderance of probabilities and not on the theory of proving the case beyond reasonable doubt.

38. It is tried to argue on behalf of the workman that the bank should have waited for the workman to be prosecuted in terms of paragraph 19 of the Bi-partite settlement. According to him the bank should have proceeded against him by way of disciplinary action only if he was put to trial within one year of prosecution. If that paragraph the word may be used. In other words it cannot be said that it is a mandatory provision. In that case the bank may proceed against the workman in a criminal court or initiate a disciplinary action. It is tried to submit on behalf of the bank that if the word 'shall' could have been there in place of 'may' then there would have been no objection for the management. I find merit in the contention of the management.

39. The bank had issued a charge-sheet dated 12-3-93 to the workman. He was called upon to give his say to it. On 1-4-93 by a letter (Exhibit-33) he replied to the management contending that he had filed a Civil suit for defamation against Mrs. Karlekar, on the basis of letter she addressed to management and others. It is further contended that the matter relating to the allegations is purely of a private nature. The bank as an employer cannot and should not take any cognisance of such purely direct matters. On 7-4-93 the bank had replied to the said letter. It is tried to submit on behalf of the workman that by this letter it reveals that he is projected by the management and what is done afterwards is a farse. After perusal of that letter I do not find any merit in this contention. It is mentioned there in that the management came to the conclusion that the prima facie case exists. It is therefore detailed chargesheet was issued against the workman. In para 4 of the said letter it is categorically mentioned why they find that the allegations formed a prima facie case. It is by way of clarification. That does not reflect on the mind of the management that they have come to the particular conclusion. It can be further seen that after this letter a full fledged inquiry was conducted against the workman which he participated thoroughly.

40. It is also one of the contention of the workman that the Chairman of the bank had given an information to the press contending that he is dismissed. It was before the conclusion of the disciplinary proceeding. No doubt there is a news item dtd. 17-6-94. But the factual position is that after that news Bulletin the bank had given a clarification which was published on July 3rd, in Indian Express, Pune and July '94 in Sakaal, Pune. It is categorically clarified that the Chairman had stated was that the show cause notice proposing a penalty of dismissal has been issued to Shukla and the final orders will be passed only after hearing what he has to say about the proposed penalty. It is not in dispute that the disciplinary authority had given full hearing to the workman to his satisfaction and then passed the order. The Appellate Authority had also given full hearing while hearing the matter of the workman. Shankar Joshi (Exhibit-57) the witness for the workman does not dispute this position. Under such circumstances the information in respect of the workman appeared in daily Sakaal dtd. 17-6-94 cannot be said to be the managements projecting of the things.

41. Much of the agreement was advanced by both the parties in respect of non filing of original complaint by Mrs. Karlekar dtd. 6-1-93. The management was directed to produce the Original Complaint by the Tribunal. They examined one S. S. Das (Exhibit-64) employee of the bank contending that the Original is not traceable. It is tried to submit on behalf of the worker that in the domestic inquiry also the original was not produced. It is therefore the whole case goes away. This submission is without any merit. Admittedly the worker received a photo copy of the complaint dtd. 6-1-93 given by Mrs. Karlekar to the different authorities it can be further seen that he filed a Civil Suit for getting compensation from Mrs. Karlekar. In other words he was aware regarding the contentions taken in that complaint. Karlekar deposed before the inquiry officer complaint was given by her. Even for the sake of argument if it is said that the original is not there on the record I do not think that any wrong is committed there. The charge-sheet was there. On the basis of the oral testimony the management tried to prove the same. This is not the case where the documents are required to be there to prove the charge-sheet. This case is based on the facts. It is not the case of misappropriation of particular amount from the accounts. There the documents are required. No prejudice of any sort is caused to the workman. Even if it is said that the original of the complaint dtd. 6-1-93 is not produced.

42. In State of Maharashtra Vs. Madhukar Narayan Mardikar 1991 1 LLN. 979 Their Lordships have observed that when the concerned persons were furnished with the copies of extracts of the note books of the said policemen and they were also offered for further cross examination non production of the original note books which were examined had not caused any injustice. Relying on the ratio given in the said authority I find that no injustice is caused to the workman, whatsoever relating to the non production of the complaint dated 6-1-93. In this respect there are allegations of insertion of few lines in the domestic inquiry and putting of the initials by the workman which he denied later on. But I do not think that it is necessary to be dealt over it for deciding this matter.

43. It is argued on behalf of the workman that the inquiry proceedings spread over a period of one year. The proceedings recorded above 2000 pages in which 43 witnesses were examined and 55 documents are part of the proceedings. The inquiry ended on 12-3-94 and the written arguments were given on 9-4-94. Surprisingly findings which run in 143 pages were given on 21-4-94 that is within a short span of ten days. That itself goes to show that the inquiry officer decided to give a particular result. I am not inclined to accept this submission. It is because of the perusal of the inquiry reports. When she conducted the matter it was not difficult for her to assess the same within that period. I therefore find no merit in this contention.

44. Mrs. Joshi who deposed before the inquiry officer as the defence witness did not turn for cross-examination. She reported to the management to that effect. It is tried to argue on behalf of the

workman that by not calling her again it has caused prejudice. It is pertinent to note that when she informed that she does not want to come before the inquiry officer to lead evidence it was just and proper for the inquiry officer to treat that there is no evidence on behalf of V. V. Joshi in support of the workman. The action of the inquiry officer in this regard cannot be said to be illegal. At this moment I may mention it here that the workman did not file any witness list in the inquiry proceedings and submitted that he will examine about twenty witnesses. But he examined 35 witnesses. That itself goes to show that sufficient opportunity was given for examining the witnesses. If some witnesses were not allowed to be examined the inquiry officer was right in doing so because no justification was put before her why those witnesses were to be examined.

45. It is tried to argue that the inquiry officer was bias. On 23-3-93 Mrs. Dongrey was appointed as an inquiry officer by cancelling the earlier appointment. The workman did not raise any voice for her appointment. She had submitted report on 21-4-94. If really the workman had any grievance against her he would have raised a voice between those 11 months but he did not do so.

46. After perusal of the inquiry proceedings it reveals that the regular hearing started from 1-6-93 to 12-3-94. There were 13 days when the inquiry was scheduled. The workman was not available on 15 occasions with reasons. He did not remain present on five occasions without any intimation, to accommodate him the inquiry officer adjourned the matter. The management examined 18 witnesses and produced 33 documents. As against that the workman produced 22 documents and 35 witnesses. Not only this number is material but it can be seen that the workman was given full opportunity to cross-examine the witnesses and examine his witnesses. The whole inquiry proceedings clearly speaks out he was accommodated to the maximum limit. That itself goes to show that the inquiry officer cannot be said to be bias against him.

47. Annexure-3", the forwarding letter of the inquiry report is dated 21-4-94. Paragraph 14 which is mentioned by the inquiry officer is that 'she would like to place on the record the conduct of the C.S.E. during the proceedings which was correct and in keeping at all times with office decorum in respect the considerable strain that he must have been facing during this time. It was on account of his behaviour... the entire inquiry was conducted in an atmosphere of dignity and without rancour'. If really the inquiry officer had grudge against him or if she would have been biased against him she would not have said all these words regarding the workman.

48. From day one that is when the workman was called to give his say on the charge-sheet his contention is that it is the private affair and the management had nothing to do in it. It is argued that the management cannot take cognisance of a private complaint in an employee employer relationship. Basically this cannot be said to be a private complaint. Mrs. Karlekar is an employee of the bank. She is member of the union of which the workman was the General Secretary. He became General Secretary of that Union being the employee of the bank. No doubt the union had a consti-

tution by which outsider can be office bearers of the union. But so far as this workman is concerned he became the Secretary of the union as a fall out of his employment in the bank. It is not that he is occupying the post which is meant for outsiders.

49. The complaint dated 6-1-93 (ME-16) was sent to Chairman of Bank of India, Kelawala, General Secretary Federation of Bank of India staff union, Bombay and Zonal Manager, Bank of India, Pune. In other words Mrs. Karlekar approached both the management and the union to get redress in respect of all the actions which were committed by the workman. Her request was to get the transfer from Chakam Branch to Pune on different grounds. It is common knowledge that when these bank employees wants transfer for one reason or the other not only they approach the management but also the union to get their work done. Here in this case admittedly she approached the unions Secretary Mr. Shukla, the worker. It is her case that with the pretext of getting her transfer from Chakam to her desired post the acts which are committed by the workmen are troublesome and which affected her work, mental peace and family life. Naturally this cannot be said to be a purely private matter as alleged by the workman.

50. What is tried to submit that the alleged actions had taken place outside the bank premises and outside the working hours of the bank. There is no dispute over it. But the position still remains is that Mrs. Karlekar is the bank employees and the workman is also the bank employee and the union secretary. The work which she wanted to get it done was, can be done outside the banking hours and outside the bank premises. It is not necessary to do it in the bank and in the working hours.

51. It is tried to submit on behalf of the workman in his written argument that the bank is not custodian of morality of the workman or of employees. In normal case it is not. But when an employee complaints of harassment from other employees of the bank it is quite natural and logical for the employer to look into the matter which result into the working of the bank. Here it is the case of Mrs. Karlekar that due to the action for the workman her work was affected. In the result the bank is affected.

52. It is vehemently argued on behalf of the workman that the bank has no jurisdiction to take disciplinary action against the workman as his role is a General Secretary of the Union. Further it is submitted that section 18 of the Indian Trade Unions Act of 1926 grants immunity to office bearers of registered trade union against any statute or legal proceedings. They further submitted that the General Secretary of the union falls in the admit of this clause and therefore no action could be taken against him. This is absolutely incorrect. The protection under the section is given for the bonafide acts and not for any illegal, immoral and unethical acts. The acts which are alleged in the charge-sheet are unethical. It is tried to submit that as the General Secretary no action could be taken against him. The position is acceptable when he had done anything in the capacity of a General Secretary. Here the actions which are committed by the workman

in the capacity is an individual under the pretext of being the General Secretary who is in a position to do the needful in the case of Mrs. Karlekar. He cannot get immunity under the Trade Unions Act.

53. The word 'moral turpitude' means anything done contrary to Justice, honesty, modesty and or good morals. It implies depravity and wickedness of the character or disposition of the person charged with particular conduct. In Webster's Dictionary the term 'moral turpitude' is defined as guilt of come involving grave infringement of the moral sentiments of the community. The allegations in the chargesheet can be termed to be as a 'sexual harassment'. The evidence before the inquiry officer which I will be discussing later on, clearly speaks out the conduct of the worker includes physical conduct and advance. There were unwelcome physical and verbal conduct such as informing her that he possesses a key of his friends flat and that he loves her.

54. It is tried to argue on behalf of the workman that the term moral turpitude is not covered either in 19.4 or 19.7 of the Bi-partite settlement. It is submitted that as per para 19.2 by the expression offence shall be meant an offence involving moral turpitude for which the employee is liable to conviction and sentence under any provisions of law. It is tried to submit that as the conduct alleged in the Charge-sheet does not fall in the paragraphs of minor or major misconducts hence action cannot be taken. I am not inclined to accept this. It can be seen that the charge which is framed against the workman is in paragraph-19.5 (j) which states that doing an Act prejudicial to the interest of the bank or gross negligence or negligence involved or likely to involve the bank in serious loss Mrs. Karlekar came with a case that due to the action of this workman she is not in a position to work properly resulting into likely hood of bank involving in serious loss. If it is said that the charges are proved then it has to be said that it fits in 19.5(j).

55. It is tried to argue that when the misconducts are enumerated or codified in the standing order or service conditions which are exhaustive and not illustrative and as such the bank is not bound to pick up any act and term as a misconduct. Reliance was placed on *Rasiklal Baghaiabhai Patel Vs. Ahmedabad Municipal Corpn.* 1985 I LLN 602. Again the facts of that case are different. Here the bank had elaborately states what are the acts and comments of the workman to fit in clause 19.5(j) of the Bi-partite settlements. The word misconduct is interpreted by the Supreme Court in *State of Punjab and Ors. Vs. Ex-constable* 1992 II CLR 401. It is observed by Their Lordships that the word misconduct has no acceptable or precise definition. It is reflection received, its narrations through context, the delinquency in the performance and in its effect on the discipline and nature of duty. It may involve moral turpitude, wrong behaviour and unlawful behaviour wilful in character forbidden Act. If this rule is applied the acts which are committed by the workman which are stated as moral turpitude fits in the meaning of misconduct.

56. In *Marlidhar Ragoji Sawant Vs. General Manager, Mather & Plant* 1992 II LLJ 394 it is observed that the Act of assault on the co-worker

the petitioner though it took place outside the factory premises had a direct and rational nexus with the industrial relations between the employer and the workman in the establishment. It had a direct connection with the contentment or comfort of the men at work and had a direct and material bearing on the smooth and efficient working of the company. Therefore Their Lordships observed that in view of the Labour Court that the attack amounts to an Act subversive of discipline or good behaviour within the meaning of Model Standing Order 24(1) has to be accepted. On the same analogy it has to state that the case of the workman in relation to Mrs. Karlekar, can be said to be of a moral turpitude and misconduct even though outside the banking premises and the working hours. It falls in the definition of major misconduct para. 19.5 (j), because of which Mrs. Karlekar was not in a position to do the work properly. For all these reasons I find that the employer was justified in taking cognisance of the private complaint of Mrs. Karlekar.

57. Before proceeding further I make it clear here that the inquiry report was received by the workman before he advanced his submissions before the disciplinary authority. The authority passed an order of punishment on 4-7-94 (Annexure 'E'). Being aggrieved by the said order the workman preferred an appeal. It is not denied that the Appellate authority heard him along with his representative and passed an order on 25-10-94. After going through these documents I find that the inquiry officer, the disciplinary authority and the Appellate authority have considered the evidence in a domestic inquiry. They have considered the arguments advanced by the workman and on behalf of him and given their reasons which can be said to be a cogent one for coming to the conclusions that the charges are proved. I do not find any illegality in the findings given by the inquiry officer. Her report is well reasoned.

58. It is argued on behalf of the workman that the findings of the inquiry officer are perverse. They are based on no evidence. As against that it was argued on behalf of the management that the report of the inquiry officer is perfectly legal, proper and her findings are based on the evidence before her. The report dated 21st April, 1994 is at Annexure 'C' of the documents filed by the management.

59. The initial pages of the inquiry report that is up to page 81 of the inquiry officer had given usual details such as her appointment as the inquiry officer, the list of witnesses examined by the parties the documents produced by the parties and then here she had given a list of the testimony of the witnesses. Thereafter from page-81 to 113 she had evaluated and analysed the evidence of the witnesses for coming to her findings. I find that the inquiry report has become lengthy because of the repetitions. But I repeat that that has not affected the merit of the report.

60. Out of eight witnesses examined by the management M. M. Deshpande (Exhibit. 7) is the translator of Pugalently (M.W.-1) who had given a preliminary report in the matter. He had recorded the statements of the witnesses, carried out the

inquiry and submitted the report. His testimony is relevant only on the point that he recorded the statements and on his report the management came to the conclusion that a prima facie case exists against the workman to issue charge-sheet. Even though there is a lengthy cross-examination of Pugalently I do not think it necessary to consider it at all.

61. Mrs. Jagtap is the ladies representative of the union to whom Mrs. Karlekar complained against the workman. She in turn asked her to report in writing. Her testimony is relevant on the point that Mrs. Karlekar felt uncomfortable due to the trouble of the worker. She approached their representative that is the ladies representative of the union at first instance. On her suggestion she had given written complaint which is dated 6-1-1993. From her cross-examination nothing has come on the record which can be said that the complaint of Mrs. Karlekar is manipulated by the management.

62. Bhalla (MW-2) who is the President of Bank of India staff union, Pune affirmed that Mrs. Karlekar informed him regarding the phone calls from the worker at odd times, his unnecessary visits to her house and the threats given by him. He had further deposed that she informed him that the worker wanted to meet her in his friends flat and receipt of her complaint dated 6-1-1993. In his cross examination nothing had come contrary to what was deposed by him in Examination-in-Chief. From the testimony of Mrs. Jagtap and that of Bhalla who are the office bearers of the union it is very clear as a member of the union she complained to them regarding the harassment of the worker first. Then she approached the management. This is to be a logical step taken by any member of the union. If really Mrs. Karlekar was the tool of the management she should not have done anything regarding it and have straight away approached the management with the complaint. Their testimony helps to prove the charges levelled against the worker.

63. Mrs. Karlekar (MW-3), Mr. Karlekar (MW-6) wife and husband both of them corroborated each other on all points. It is affirmed that the lady approached Shukla, General Secretary of the union for his help in securing her temporary transfer. He was informed regarding her family and health problems. It is evident from the leave applications on the record which was given by her that she had an ill health. She affirms that the complaint was given by her on her own experience which is dated 6-1-1993. Its translation is on record. She affirmed all the details pertaining to the charges namely the workman approaching her, giving different phone calls at different times, suggesting that he will officially help her, that once he caught hold of her hand and stated that he loves her, that he possess a key of his friends flat. Her husband corroborates Mrs. Karlekar on the point that he had seen worker visiting their place and the receiving of phone calls at different times and his wife's frightened condition. He also affirmed that she narrated the incident to him when he solicited to go to the friends flat of which he possesses a key.

64. Mrs. Devigirkar (MW-4) is the maid servant of Mrs. Karlekar. She is illiterate and old lady. She affirmed that she had seen the worker visiting the house of Mrs. Karlekar in the month of May, 1992. She further affirmed that the workman asked her to go out as he wanted to be alone with her. At that time the complainant Karlekar told Devigirkar not to leave the place. This is supported by the witness. She further deposed that when the worker was speaking with Mrs. Karlekar she was frightened. She also told the maid servant that she is frightened by that man. Nothing had come in the cross-examination to defer her testimony. It is tried to argue on behalf of the worker that she is a tutored one and no reliance should be kept on her. I do not find any merit in it. It is only because some of the facts even from the testimony of the defence witness and the suggestion put to these management witnesses supports this. The fact that the workman was giving phone calls to the lady, the fact that he visited her house, the fact that he met her on many occasions, all these facts clearly supports the version of the maid servant. I do not find any reason that she will say something which had actually not taken place. The inquiry officer while analysing her testimony had taken into consideration her conduct, the way of deposition. There is no reason why the observation of the inquiry officer should be rejected.

65. Mrs. Purandare (Exhibit-5) is the neighbour of the complaint. She also corroborates Karlekar on many points such as visiting of Shukla, and Karlekar's disturbed physical and mental condition after his visit. She had also deposed that on many occasions the complainant had informed against the worker which is mentioned in the charge-sheet. It is common knowledge that when anything happens the neighbour is informed. That case appears to have taken place in this matter. There is no reason for Purandare to depose falsely against the worker. There is no enmity between them. It is not the case that by her deposition Mrs. Karlekar is to be benefitted. In that case one will say that he is deposing falsely to help the friend. Here there is nothing like that sort. It is unlikely that nobody will come forward to depose falsely.

66. The worker examined in all thirty-five witnesses. From the testimony of most of these witnesses including the lady staff they tried to bring of the record that the worker is a noble man. The complaint which is made by Mrs. Karlekar is unjust. They do not believe that the worker would act in such a way which is mentioned by her. It might be correct that the worker might be good to these ladies and the other witnesses. But that does not mean that allegations which are made by Mrs. Karlekar are false. What has to come on the record is that what is deposed by Mrs. Karlekar is false.

67. The defence witness also admitted the position that the worker had visited the place of complainant, that he had made phone calls to her and that they had seen Mrs. Karlekar at Gandharv Festival. The worker had examined his wife and daughter also. What is tried to bring from their testimony is that Mrs. Karlekar had also rung up to the worker and she had also visited their house. Infact that is the

case which is made out by the complainant. She requested the worker for getting her transfer and in that connection it appears that she had visited his house once or twice and made few calls. It is tried to argue and by evidence to establish that when the worker did so in response to his duty as a General Secretary. He called her to know what are the difficulties and visited her place in that connection. I am not inclined to accept this. There was nothing to be added or informed to the worker by the lady. His visits to her place at untimely hours, his phone calls at untimely place and his compelling her to allow him to have a dinner with them and all other things such as meeting outside the bank premises on Ferguson College Road telling her that he loves her and other suggestions which I had already narrated above clearly establishes that his acts are proved to be of a moral turpitude, and major misconducts.

68. The Complainant deposed that she received a phone call from the worker threatening her the voice was loud. Her husband who was nearby also heard the same. She narrated the incident of June, 1992 which took place on the Fergusson Road Branch when the worker caught hold of her hand and suggested he possess key of his friends flat. Mr. Karlekar corroborates the complainant on his point to the fact that his wife immediately reported it to him. This fact itself goes against the worker. It is unlikely that without happening of the things the lady will inform her husband the things relating to moral turpitude. The actions which are narrated by Mrs. Karlekar to her husband might have lead to different consequences. But as she was so harassed by the worker she burst out the things to her husband. From the evidence before inquiry officer I have no doubt that the charges which were levelled against the workman are clearly established.

69. I repeat that the whole attempt of the worker before the domestic inquiry and before this Tribunal which can be seen from the written argument that he wanted that the management should establish the charges which are levelled against him beyond reasonable doubt. In a domestic inquiry what is to be seen that on preponderance of probabilities whether a particular thing had taken place or not. From the testimony of the management witness and also from the defence witness who have corroborated to these witnesses the facts such as making phone calls visiting the place of worker, that her visit at Gandharv Festival, that he had committed the acts which are mentioned in the charge-sheet are proved. There is one incident relating to dinner of the worker at the place of the complainant. The worker tried to establish alibi with the support of one of the witnesses who commute to Bombay every day and returns back. It is common knowledge that there are hundred of peoples who comes to Bombay for work by Deccan Queen and return back to Pune their native in the evening by Pragati express or by Deccan queen. It reaches there at about 8.40 in the night. Even if for the sake of argument it is said that the worker was in Bombay on that particular day it was not impossible for him to reach the complainants place for dinner. There is evidence to the effect that he

informed her that he is directly coming from Bombay for the dinner. Therefore the case which is tried to be made out by the worker that it was impossible for him to be there for the dinner on that day is without any merit.

70. It is tried to argue in view of the Bipartite Settlement it was impossible for the worker to get her transfer. No doubt there are certain rules for getting transfers in the Bipartite settlement. It is therefore tried to submit that the whole case which is tried to be made out that the worker could not do all these things on the pretext that he could transfer her is without any basis. I am not inclined to accept this. It is common knowledge that the union leaders are so strong that they are capable of transferring an employee at least for a temporary period. It appears that the Complainant cannot be transferred by the worker. But under the pretext to help her, he tried to develop contact. The inquiry officer had rightly come to the conclusions by giving cogent reasons. I do not find any perversity in her findings. In short the testimony of Mrs. Karlekar which is corroborated by her husband, maid servant, neighbour and some of the defence witness clearly establishes that the workman was soliciting her to justify his passing. The evidence clearly established that between the period from August, 1991 to September, 1992 the workman adopted various methods of pressure tactics against the complainant to satisfy his passing against her will and without her consent. He could do so he being an employee of the bank and a fall out as a General Secretary of the Union. It resulted into injury to the mind of the complainant and her reputation. She could not concentrate on official work and consequently reducing her efficiency in discharging her official duties as well as affecting her peaceful family life. That resulted into likely hood of the bank involving in a serious loss. The inquiry officer has discussed all and every part of the evidence before her and came to the right conclusions. I do not find any perversity in her findings. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

The domestic inquiry which was held against the workman is as per the principles of Natural Justice.

The findings of the inquiry officer are not perverse and are based on the evidence before her.

The management of the bank had jurisdiction to take cognisance of a private complaint which was of an employees in an employee-employer relationship.

S. B. PANSE, Presiding Officer

नई दिल्ली, 26 फरवरी, 1998

का.प्र. 604.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में. बी. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाद को प्रकाशित करता है जो केन्द्रीय सरकार को 26-2-98 को प्राप्त हुआ था।

[सं.एल-20012/89/86-डी-III ए/आई मा. (सं-I)]

सनातन, डेस्क अधिकारी

New Delhi, the 26th February, 1998

S.O. 604.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 26-2-1998.

[No. L-20012/89.86-DIIIA/IR(C-1)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. B. Chatterjee,

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 228 OF 1986

PARTIES :

Employers in relation to the management of Lohapatti Colliery of Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

State : Bihar.

Industry : Coal.

Dated, Dhanbad, the 17th February, 1998

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order

No. L-20012(89)|86 D-III(A), dated the 4th July, 1986.

SCHEDULE

“Whether the demand of Bihar Colliery Kamgar Union that the management of Lohapatti Colliery of Bharat Coking Coal Limited should reinstate in service their workman, Shri Lilla Mahato, Loader who was dismissed from service in June, 1984, is justified? If so, to what relief is the said workman entitled?”

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But none of the parties turned up nor took any steps. Thereafter several adjournments were granted and notices were issued to the parties. But in spite of the issuance of the notices to them they neither appeared nor took any steps. It, therefore, leads me to an inference that the parties involved in this reference are not interested at all to proceed with the reference. In the circumstances, I have no other alternative but to pass a ‘No dispute’ Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 26 फरवरी, 1998।

का.आ. 605.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मी. ई. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-2-98 को प्राप्त हुआ था।

[सं. एल-20012/134/90-आई आर (सी-I)]
सनातन, डेस्क अधिकारी

New Delhi, the 26th February, 1998

S.O. 605.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. E.C.L. and their workman, which was received by the Central Government on 26-2-1998.

[No. L-20012|124|90-IR(C-I)]
SANATAN Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT

Shri B. B. Chatterjee,
Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 31 OF 1990

PARTIES :

Employers in relation to the management
of Kapasara Colliery of M/s. Eastern
Coalfields Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : Shri R. S.
Murthy, Advocate.

State : Bihar. Industry : Coal.

Dated, Dhanbad, the 17th February, 1998.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(124)|90-I.R.(Coal-I), dt. the 30th October, 1990.

SCHEDULE

“Whether the demand of Bihar Colliery Kamgar Union for protection of basic group wages of Mr. Nasiruddin and others as detailed in Annexure is justified? If so, to what relief they are entitled to?”

2. In this reference the workmen did not turn up but the management all along appeared through their learned Advocate. Then again notices were issued to the workmen but in spite of the issuance of notices to them they did not turn up. It, therefore, leads me to an inference that the workmen are not interested to press their demand before this Tribunal. In the circumstances, I have no other alternative but to pass a ‘No dispute’ Award in this reference.

B. B. CHATTERJEE, Presiding Officer

ANNEXURE—V—1

1. Md. Nasirudin
2. Sahiji Mia
3. Raghunandan Ram
4. Ramphal Surajbansi We nine heads resumed time
5. Parbal Singh rate job on and from 1-5-84.
6. Haru Bouri previously we were doing
7. Gopal Singh the job of U/G loader.
8. Paresh Bouri
9. Jhuri Harisan

1. Bhagru Singh
2. Atwari Singh We resumed time rate job on
3. Kadir Mia and from 13-4-83. All were
4. Raju Mia working as U/g loader.
5. Dhanpat Mahato
6. Shyama Bhuina

1. Kesh Bhaiya U/s loader, resumed time rate
2. Uchhal Bishal job on 7-6-84.

1. Pyara Paswan U/g loader resumed on
2. Sarju Mahato 13-10-84.

Presiding Officer.

Central Govt. Industries Tribunal

नई दिल्ली, 26 फरवरी, 1998

का.आ. 606.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिस्ट्रिक्ट मैनेजर, टेलीफोन्स इन्दौर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद ने केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-2-98 को प्राप्त हुआ था।

[एल-40012/84/90-आई.आर. (डीयू.)]

के.वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 26th February, 1998

S.O. 606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur shown in the Annexure, in the industrial dispute between the employers in relation to the management of Distt. Manager, Telephones, Indore and their workman, which was received by the Central Government on 26-2-98.

[No. L-40012/84/90-IR(DU)]
K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय,
जबलपुर म.प्र.

डी.एन. दीक्षित

पीठासीन अधिकारी

प्र.क्र. सीजीआईटी/एलसी (आर) (10)/91

श्री विजयकुमार

आत्मज श्री रूपराव टाले,

130, इमली बाजार,

इन्दौर (म.प्र.)

—प्रार्थी

वि.

डिस्ट्रिक्ट मैनेजर,

टेलीफोन्स

भारतीय दूरसंचार विभाग,

18, रोशन सिंह भंडारी मार्ग,

इन्दौर (म.प्र.)

—प्रतिप्रार्थी

अवाई

दिनांकित : 09/01/1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या एल-40012/84/90-आई.आर. (डी.यू.) दिनांकित 31/1/91 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है:—

अनुसूची

“Whether the action of Distt. Manager, Telephones, Indore Telephone District, Indore in terminating the services of Shri Vijay Kumar S/o Rooprao Tale, Casual Labour w.e.f. 28-4-1988 is justified? If not, what relief the workman is entitled to and from what date?”

2. श्रमिक श्री विजयकुमार के अनुसार उसने दि. 16-6-86 से आकस्मिक श्रमिक के रूप में दूरसंचार विभाग, इन्दौर के टैक्स इंस्टालेशन विभाग में कार्य प्रारंभ किया। दिनांक 28-4-88 को जब श्रमिक कार्य पर आया तो उसे यह बताया गया कि उसकी सेवाएं समाप्त कर दी गई हैं। श्रमिक ने जिला प्रबंधक, दूरभाष, इन्दौर को आवेदन दिया। इससे भी श्रमिक को कोई लाभ नहीं मिला। श्रमिक की सेवा समाप्ति की कार्यवाही अवैध एवं मनमानी है, क्योंकि सेवा समाप्ति के पूर्व उसे नोटिस और छंटनी मुआवजा नहीं दिया गया। जो काम श्रमिक कर रहा था वह अभी भी दूसरे लोगों से लिया जाता है। श्रमिक चाहता है कि उसे पुनः सेवा में लिया जाये तथा वेतन और परिसर दिलाया जाए।

3. प्रबंधन द्वारा यह कहा गया कि आकस्मिक श्रमिकों से काम लेने पर दूर संचार विभाग ने दिनांक 30-3-85 से रोक लगा दी है। इसी रोक के कारण श्रमिक को काम पाने की पात्रता नहीं है। श्रमिक को अन्य जगह काम मिल गया था तथा वह बी. ए. की परीक्षा दे रहा था। इस कारण उसने स्वयं काम छोड़ा है। यह बात गलत है कि श्रमिक को काम से निकाला गया। श्रमिक ने कभी भी एक वर्ष में 240 दिन काम नहीं किया है। श्रमिक को प्रबंधन ने काम से पृथक नहीं किया, इसी कारण उसे नोटिस और छंटनी मुआवजा नहीं दिया गया। प्रबंधन के अनुसार श्रमिक किसी भी सहायता को पाने का अधिकारी नहीं है।

4. श्रमिक ने अपने स्वयं के कथन न्यायालय में दिलाए 1-6-95 को किए हैं। इस कथन में श्रमिक ने कहा है कि उसने 15-6-86 से दिसम्बर, 86 तक, पावर रूप में काम किया है। जुलाई 87 से सितम्बर 87 तक एम. ए. एम्ब, 2 में कार्य किया। इसके बाद पुनः पावर रूप में 27/4/88 तक काम किया। श्रमिक ने यह नहीं बताया कि उसने एक वर्ष में 240 दिन काम दूर संचार विभाग, इंदौर में किया। इस संबंध में कोई दस्तावेज भी श्रमिक ने इस न्यायालय में सिद्ध नहीं किया। अगर वास्तव में श्रमिक ने एक वर्ष में 240 दिन काम किया होता तो वह ऐसी लिखित साक्ष्य अवश्य प्रस्तुत करता।

5. श्रमिक ने अपने कथन में कहा है कि उसकी नियुक्ति रोजगार कार्यालय के माध्यम से हुई थी। इस संबंध में भी कोई साक्ष्य श्रमिक ने इस न्यायालय में प्रस्तुत नहीं की।

6. श्रमिक ने अपने कथन में कहा है कि टैक्स इंस्टालेशन का काम खत्म होने पर उसे पावर रूप में भेजा गया, जहां जगह खाली थी। इस प्रकार प्रबंधन के इस कथन की पुष्टि होती है कि जब जगह होती तो श्रमिक को कैजुअल लेबर के रूप में निश्चित अवधि के लिए काम दिया जाता था।

7. श्रमिक ने इंदौर विश्वविद्यालय से वर्ष 88 में बी. ए. भाग-2 की परीक्षा दी। इस अवधि में श्रमिक ने

वांटने का काम भी कराया था। इस प्रकार जिस अवधि में श्रमिक दूर संचार विभाग में नौकरी पाता रहा है, उस अवधि में वह पेपर भी वांटता था और बी. ए. की परीक्षा के लिए अध्ययन भी करता रहा था।

8. प्रबंधन के अनुसार श्रमिक ने स्वयं काम पर आना बंद कर दिया। श्रमिक के अनुसार उसे काम नहीं दिया गया। यह श्रमिक को सिद्ध करना था कि उसे काम नहीं दिया गया। श्रमिक यह सिद्ध करने में असफल रहा।

9. ऊपर लिखित विवेचना का यह निष्कर्ष है कि श्रमिक यह सिद्ध नहीं कर सका कि उसने किसी भी वर्ष में दूर संचार विभाग में 240 दिन काम किया है। ऐसी स्थिति में श्रमिक को नौकरी समाप्त करने के लिए एक माह की नोटिस और छंटनी मुआवजा पाने की पावता नहीं है। श्रमिक कीर्त भी सहायता पाने का अधिकारी नहीं है। अवाई दिया गया कि श्रमिक को कोई सहायता पाने का अधिकार नहीं है। दोनों पक्ष इस प्रकरण का अपना-2 व्यय वहन करें।

10. नियमानुसार अवाई की प्रतियाँ भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती है।

डी. एन. दीक्षित, पीठासीन अधिकारी